

PATENT RIGHT OPPRESSION

**EXPOSED;**

OR,

**KNAVERY DETECTED.**

IN AN ADDRESS, TO UNITE ALL GOOD PEOPLE TO  
OBTAIN A REPEAL OF THE

**PATENT LAWS.**

BY PATRICK N. L. ELISHA, ESQ. POET LAUREATE.

TO WHICH IS ADDED,

**An Alarming Law Case;**

ALSO,

**Reflections on the Patent Laws.**

ILLUSTRATED WITH

**NOTES AND ANECDOTES,**

BY THE EDITOR.

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**PHILADELPHIA:**

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1813.



# Hugh Christie Esq<sup>r</sup> Book

Written Octo 20 1877  
June 5/1878

570

82

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3 60

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5 60

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186

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*86*  
*642*  
*Chas. Cooper*  
*1835*

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**EXPOSED.**

*Chas. Cooper*  
*1835*  
*113*







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*SECOND EDITION.*

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PUBLISHED BY THE BOOKSELLERS.

1814.



PATENT RIGHT OFFICE

EXPOSED

THE NEW YORK

IN THE CITY OF NEW YORK  
IN THE YEAR 1814

PATENT

FOR THE INVENTION

OF A

NEW METHOD

OF

MANUFACTURING

AND

OF THE

SAID

INVENTION

BY

JOHN

1814

*Handwritten notes and signatures in the right margin, including a large 'M' and 'J. M. W. 1814'.*



## DEDICATION.



TO THE

RIGHT, THE HONEST MILLERS THROUGH-  
OUT THE UNITED STATES.

THE author of the following Poem, fully sensible of the impositions and frauds practised on your privileges by an avaricious, crazy-pated prig, has thought the subject worthy the numbers of his muse; which, though couched in uncouth, is (sometimes) he flatters himself, in pertinent language, tending to expose the villainy of the one, while it vindicates the much injured rights of the other party.—To you, therefore, this is most respectfully, and very humbly Dedicated.

PATRICK N. I. ELISHA.



# File for Band

3000 Shingles	75.00
3000 ft of white pine boards	45.00
1000 feet sap pine	12.00
1000 feet pine plank	12.00
300 lbs nails	25.00
Stinger & Co	15.00

~~184.00~~  
40

Hewing and sawing 8000 feet  
of white Oak for frame 400

Carriage for file ~~224.00~~  
30.00

~~274.00~~



o.  
ould  
A.



W B D E F G

J. J. M.

EXORCISM



1274

Great men and wise, as we are,  
That human face, without a grace,  
Or better good, without a grace,  
Is like a book without pictures;  
And we ourselves, as others do,  
Wish to be great, and thought who too.  
Then those who what we're worth would  
Know,  
Had but begin and read is through,  
They'll find love scattered in pictures,  
And Patience Face in conclusion.

PATRICK N. J. KILPATRICK



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# PATENT RIGHT OPPRESSION EXPOSED.

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WHEN man is with monop'lies vex'd,  
And by oppressors roundly tax'd,  
'Tis sure the right of gudgeon laymen,  
And eke of slaves, as well as freemen,  
With due respect, complaint to season,  
And show for conduct proper reason.  
To smoulder, and not vent our plains,  
Worse is, than starving on our gains;  
Is worse than smoke, or scolding wife,  
Or all the other ills of life;  
And he who thinks we could endure,  
Such pains, might just as well be sure,  
That he could take a jalap dose,  
And in his belly keep it close.  
Then do not wrongfully surmise,  
That we are rantipoles unwise,



When we declare that this our ease is,  
 The very why, we sue their graces,  
 And hold to view the bitter cause  
 Of all our pains, their rigid laws.

To all good people, young and old,  
 Who know the worth of precious gold,  
 And, from their hearts and souls despise,  
 The loss of cash in any wise:  
 To those who hate to buy a *right*,  
 When they, by filching can come by't;  
 To honest men, or even better,  
 And eke to rogues, 'tis no great matter;  
 (For they'll do well to act a part,  
 When once we've given it a start.)  
 To all who like to kick up dust,  
 When they get others at it first,  
 And boldly carry on a row,  
 Which first began they can't tell how;  
 While those from whom it started say,  
 Friend, thee must all the damage pay. (a)

---

(a) A number of old millers, who had, already, made



To all who 'gainst our hard laws chatter,  
 Though, without sense the slightest smatter;  
 We, your obedient servants humble,  
 Are forc'd about a law to grumble,

---

themselves rich by a patent improvement, with the Tysons and Ellicots at their head, wished to invalidate the patent-right, to evade the payment of some thousand dollars, justly due by the statute laws of the United States, for several licenses. To accomplish which, in the most plausible manner, they had resort to the peculiar dress of a peaceable and inoffensive Society, to cover their hypocrisy; and, like mountebanks, turned the crank behind the scenery, while Punch, in public view, danced obedience to the vibrating wires. It was the intention of Elisha, who was one of the leaders of the foregoing, to evade the payment of one thousand five hundred dollars, for separate privileges, for six mills; but, as it went sore against his conscience (and sorer against his purse) to be engaged in litigations, he set on a miller, who owed but one hundred dollars, to test the validity of the patentee's claim; but, when this miller was cast, in about the sum of twenty-five hundred dollars, inclusive of costs and damages, they pretended to have nothing to do with the matter, as will more fully appear in the following extract of a memorial, viz:



That's call'd the law of *patent-right*,  
 Whose nature is to make friends fight;  
 And to man gives the power to bother,  
 And cruelly oppress his brother.

---

Mars' Works, Philadelphia, Jan. 2d, 1812.

To the Society of Friends in Baltimore,

The memorial of Oliver Evans respectfully sheweth,  
 —That Elisha Tyson, a member of your Society, did,  
 about the year 1789, set up in his mills on Jones' Falls,  
 near Baltimore, your memorialist's patent improvements  
 in the art of manufacturing flour, &c. without first hav-  
 ing obtained license; and, when your memorialist de-  
 manded the usual price, viz. thirty-three dollars for  
 each pair of stones, the said Elisha refused to pay, say-  
 ing, it was an extortionate price, and that rather than pay  
 over twelve dollars fifty cents, or say twenty-five dollars,  
 for the two pair of six feet stones he then employed, he  
 would stand a law suit; your memorialist thinking that  
 he was not able to defray the expenses that must neces-  
 sarily arise from a prosecution of his claim, was in a  
 manner compelled to accept the twenty-five dollars, in-  
 stead of sixty-six dollars.

That in the year 1811, the said Elisha did, himself,  
 or by his agent, enquire of Nathaniel Williams, Esq. of  
 Baltimore, agent for your memorialist, what were the  
 costs of the aforesaid improvements, and Mr. Williams  
 showed him his printed instructions, rating the price



So, beg your serious attention,  
 While we some sketches of it mention:  
 Showing how first, it got its birth,  
 And how 'tis like t'afflict the earth;

---

for the entire improvements in a mill, with one pair of six feet millstones, at four hundred dollars; but as licenses were wanting for six pair, he thought it was probable some deduction would be made. Of these enquiries Mr. Williams informed your memorialist, who offered the said Tyson and his sons, licenses for six mills, at two hundred and fifty dollars each, making in all fifteen hundred dollars.

That when Elisha received this answer, he went to the city of Washington, and calumniated your memorialist, falsely stating, in the presence of Dr. William Thornton, and other respectable men, that your memorialist had become a great extortioner, and had demanded of him, the said Elisha, twenty-four hundred dollars, for a license for a single mill, keeping out of view, that this mill was to contain six pairs of stones. He also had the hardihood to misrepresent the case to some of the members of congress, and to other gentlemen, thereby endeavouring to excite prejudice and resentment, to the very great injury of your memorialist, insomuch, that he was mentioned in the congressional debates, as having been guilty of extortion. Soon after



And that a certain scoundrel has  
 Brought it to an alarming pass,  
 Wherein it looks, as if it would  
 Do none but him the smallest good.

---

this, Elisha called on your memorialist, and accused him of the crime of extortion, stating the case of the twenty-four hundred dollars, in the presence of respectable men, in the same manner as he had before done; and threatening, as he had discovered the means, to break his patent-right, if he did not take a reasonable compensation for licenses; your memorialist repelled these charges, and supposing that Elisha, by "*reasonable compensation*," meant twelve dollars fifty cents per pair, for six feet stones, (the same which he had paid twenty-two years before) conceived it vain to attempt a compromise, and preferred that Elisha should try to break his patent.

Elisha, then, said, that he possessed a knowledge that no other man did; and, as he left the room, said, that he had the power, and would break the patent. Evan Evans, brother to your memorialist, having heard the conversation, followed him, with an intention, if possible, to compromise. After some friendly conversation between them, Elisha declared to the said Evan Evans, that he had made such discoveries as would enable him to break the patent; but he was sorry to do it; and that it was against his religious principles to be engaged in litiga-



For having, by some secret means,  
 Open'd new sources of great gains,  
 He claims the right, and there the curse is,  
 Of sharing in our teeming purses.

---

tion; therefore, if your memorialist would grant license to him, and his sons, for the use of his patents, in all the mills, (say six or eight,) they were about to construct, free from all costs;—then, in that case, he would keep that which he had discovered, an inviolable secret, and would never attempt to break the patent; but these proposals, made to your memorialist, were rejected with indignation.\*

Soon after this, Elisha and one of his sons, appeared in court, as the active agents of Samuel Robinson and others, defendants in suits instituted by your memorialist, for the recovery of his legal and just dues; and he, the said Elisha, on affidavit, procured the trials to be continued from court to court, thereby running your memorialist to great expense of money and time, as also

---

\* Here does it not appear, that if Elisha could have annulled the patent by any knowledge that he possessed, he was willing for the consideration of fifteen hundred dollars, the price for the six licenses, to become a partaker in the imposture of the said Evans, to the great injury of the community; thus making justice, individual right, and the public good subservient to his own cupidity and insatiable avarice.



But speaking somewhat more explicit,  
 We most respectfully solicit,  
 You'll join with us in supplication,  
 To the sage rulers of the nation,

---

by false representations, jeopardizing the patent-right itself. Nowwithstanding, the jury found a bill of one thousand eight hundred and fifty dollars damages against Samuel Robinson, one of the ostensible defendants, while Elisha was the real offender.

Since which, the said Robinson has written an affecting letter to your memorialist, appealing to his feelings, begging a remission of the verdict of the jury, and declaring, that the payment of one thousand eight hundred and fifty dollars, with court charges, would deprive him of the means of supporting his rising family. This appeal should not have come in vain, could your memorialist conceive it possible, that Elisha and his confederates, if any, would abandon the said Robinson, after having involved him in ruin.

Your memorialist stated, in answer, that the amount of expenses, losses and damages he had sustained, in consequence of his and the said Elisha's unjust conduct, far exceeded the damages awarded to him by the jury, and therefore, referred him for redress to the said Elisha, the author of his misfortune.

Therefore, your memorialist has made this appeal to the justice of your Society, ardently hoping, that as far



For having those hard laws revok'd,  
 By whose transgression we've been smok'd,  
 Been smok'd and mulct, and made to  
     poney, (b)  
 Than life what's dearer, down our money;

---

as you have the power, you will promote the redress of the said Robinson's grievances, by coercing your member, if necessary, to contribute as he in justice is bound; and, to repair the injury he has done your memorialist, by calumnious reports, according to your custom and manner.

Your Memorialist, with due respect, remains,

Yours, &c.

OLIVER EVANS.

Evidences to the facts above stated, viz.

Elisha Tyson's letter to N. Williams, Esq.

N. Williams' letter to O. Evans, and O. Evans' answer.

E. Evans, and several gentlemen then at Gadsby's.

Dr. Thornton, and others, in the Patent-office.

Several members of congress.

Samuel Robinson, and his letter to O. Evans.

The witnesses summoned by Tyson, on the trial of the case.

(b) A cant word, used by black legs or gamblers, signifying prompt payment.



Yes, had to pay, however thralsome,  
Of sterling cash no very small sum. (c)

Some years ago, the moon at full,  
The time it most affects the skull;  
For madam Luna, at that season,  
Has pow'r to disconcert man's reason;  
The congress of these famous states,  
Was amply fill'd with crazy pates,  
Whom every knave could gull and quiz,  
To do for him just what he'd please;  
Some rogues perceiving their condition,  
Forthwith presented a petition,  
Right artful couch'd, in sweetest tone,  
In substance like what follows on:

---

(c) See their memorial to congress, praying for the repeal of the patent laws, so far as they related to this particular right, and stating, that the patentee had demanded three thousand six hundred dollars for one mill, in contradiction of the fact, which was but two hundred and fifty dollars; and that they had proved, most incontestably, that he had not invented any one of the machines patented to him.



“ That when a man would rack his brains,  
 “ And be at some expense or pains,  
 “ To find new *arts* and *trades*, or show  
 “ How *old ones* they can better do;  
 “ No other person should or might,  
 “ Have priv’lege, liberty or right,  
 “ To use what he or they’d invent,  
 “ Unless he first would buy consent;  
 “ On pain of such a charge and fine,  
 “ As court and jury might assign.”

To work they went with hem and haw,  
 And soon patch’d up the patent law,  
 Granting these knaves their will:—and  
 worse,

This very law is still in force;  
 Which also does so far extend,  
 ’Twill toil of scribbling fools defend,  
 When they dull rhyme and prose indite,  
 Or maps or prints bring forth to light.  
 ’Tis thus our rights, by sheer intrigue,  
 Invaded are by those in league;  
 Those arrant elfish machinators,  
 And their more selfish legislators,



Who patents grant so many years,  
 We'll die before their end appears; (d)  
 While they, th' inventors, from our toil,  
 Strut, the rich nabobs of the soil:  
 And sure such wrong would vex a saint,  
 And urge him on to make complaint.

Their point once gain'd, from brains of  
 froth,  
 They brought a host of models forth,—  
 Of things that would make people lazy,  
 And set all useful workmen crazy:  
 Showing how old arts they could do,  
 On plans more quick, and cheaper too,  
 Than those on which, before they'd gone,  
 Or any that should after come.  
 Others more bold, made great pretensions,  
 And show'd what they call'd new inven-  
 tions;  
 Swearing the things, that they had brought on,  
 Before by man were never thought on; (e)

(d) The copy right to a book, map, &c. is secured to the author, by law, for twenty-eight years.

(e) The patent law requires the inventor, to swear or



Which patent officers at sight,  
 Secur'd to them by patent right,  
 Whereby we are debarr'd their use,  
 If to buy license we refuse.  
 This 'gainst our conscience we can't do,  
 Nor will our "spirits move" us to,  
 No more than pay dread war's expense,  
 Which people wage in our defence;  
 Or deadly weapon forge at all,  
 For which we hoist men "o'er the wall;" (*f*)

---

affirm, that he verily believes that he is the true and original inventor, or discoverer, of the thing specified, for which he solicits a patent.

(*f*) A cant phrase, signifying expulsion from the society. Brother Jonathan had been expelled for making that implement of death, a sword; but, having become exceedingly rich, by the use of the aforesaid patent improvements, for the manufacture of flour, &c. and being, withal, very reputable, was reinstated, and was a witness in the trial, and he now believes he invented the conveyor, drill, and elastic steam; but, he is not the first, nor the only one, who has claimed these inventions.



As brother Jon'than truly was,  
In awful "revolution days."

Thus vile monopoly began, (g)  
'T' infringe upon the rights of man,  
Of which we'll give you clearest proof,  
Before the subject we leave off.  
For rogues that rag'd with innovation,  
Sprung from all corners of the nation,

---

(g) A monopoly is described by Lord Coke, to be a patent granted by the sovereign authority, to any person, or persons, for the sole, or exclusive privilege of buying, selling, making, working or using of any thing, that any person or persons may have enjoyed the right of buying, selling, making or using, *before that grant*; thereby depriving, or hindering, any person of *their lawful right, or trade, &c.*

But, by the laws of the United States, patents can be good only for *new and useful improvements*, which, not being known, could never be in use before invented by the patentee. Any patent granted for improvements or inventions, previously known and used within the United States, is evidently null; therefore, a patent right, in this country, cannot be a monopoly: if it be a monopoly, it is *patent wrong*, and void by law.



Who strange and wond'rous things have  
made, (*h*)

Suited to every art and trade,

Which they term new, though long since  
known,

As old King Solomon hath shown,

(*h*) There are deposited in the patent office, a great number and variety of models, which, when viewed by persons unacquainted with the variety and importance of their application, tend to impress unfavourable opinions, as it regards their utility, or the ingenuity of inventors. Such, no doubt, has been the case, in the present instance, with many of the memorialists; nor is it greatly to be wondered, since the short period of fourteen years enjoyment of privileges, is the only stimulant to genius. To a want of proper encouragement, this heterogeneous collection may be attributed. Additional inducements or rewards must be offered, before men will expend their money, and time, to alleviate the condition of humanity, by important improvements. Such as are made at present, are, for the most part, the result of accident, or the production of imprudent men. Those who have succeeded, through application, to benefit the public, have, generally, involved themselves in ruin, which is an evident proof of legislative apathy, as relates to the arts and sciences.



When he declar'd, and he spoke true,  
 There's nought beneath the sun that's new;  
 And even thoughts by them matur'd, (i)  
 With patent likewise are secur'd;  
 A base refinement on oppression,  
 That fills good men with indignation;  
 For surely man is sore oppress'd,  
 When he can't use what don't exist.

The knave of whom we gave a hint,  
 At whom we now proceed to squint,

---

(i) When any new principle, or plan is discovered, the inventor makes a specification of the principles of the improvement and its application, which being deposited, or filed in the patent office, secures to himself all the advantages that may result from it, during the specified time. Many patents have been granted for certain improvements, which, though perfectly feasible, and promising much advantage to the public, will never be carried into operation; and the patent office is crowded with specifications, many of which have similar claims, and will probably share a similar fate, unless government hold out such inducements, as will encourage the ingenious to develop, what otherwise will forever remain a secret.



He that caus'd us the most alarm,  
 And does by far the greatest harm,  
 Came foremost 'mongst those crafty elves,  
 And to him we'll confine ourselves;  
 For he'll be proof *quantum sufficit*,  
 To show in manner most explicit,  
 The evils of this horrid law,  
 That gripes with such tenacious claw;  
 In fact 'twas only his oppression,  
 Urg'd us to make this exposition.  
 The author of this well known grievance,  
 Is peerless call'd OLIVER EVANS;  
 And doubtless the most selfish varlet,  
 That e'er was born of any harlot.  
 But quitting comment and detentions,  
 We'll give a list of his inventions;  
 A list of horrid burdens heavy,  
 Whereby great sums he'll on us levy;  
 Which, when you've heard, you'll scarce  
     believe,  
 That such extorter e'er did live. (k)

---

(k) All projectors would be equally criminal in the  
     B 2



*The first* of which a view we take,  
 Is a machine design'd to make  
 The wire-teeth, that cards are put on,  
 To claw and curry wool and cotton,  
 Which had the evil spirit in it,  
 To make three thousand in a minute.

*The second* was for pricking leather,  
 To fix the 'foresaid teeth together,  
 Which would with ease, by trifling care,  
 Complete *per* day, two hundred pair.

No doubt in this way did begin,  
 That horrid Boston card-machine,  
 Which cuts and bends wire teeth in haste,  
 Then in the leather sticks them fast,  
 All of itself; which first was done,  
 By hands that since have idle gone.

eyes of the memorialists, if the improvements or inventions were applicable to their avocations, and were equally indispensable.



For these he threaten'd was by some,  
 That he should meet his final doom:  
 For work they saw they'd soon have none,  
 If onward he had leave to run;  
 Because the scoundrel made much money,  
 While *honest men* could not make any;  
 Though more for keeping it so close,  
 Than 'cause his brain did it produce;  
 For still to maxims old we're prone,  
 "What's yours is mine, and mine's my  
 own:"

Hence men may work at what they see fit,  
 But we alone must share the profit;  
 Besides, we take it in high dudgeon,  
 That this deep-plotting, sly curmudgeon,  
 Should priv'leg'd be, both day and night,  
 T' alarm the world in our despite;  
 Making his engines roar and rattle,  
 Like drums of Frenchmen go'ng to battle;  
 Nor letting us, nor good men know,  
 How 'twas he made them clatter so.  
 This hap'd in times of civil war,  
 When feather'd coats stuck on with tar,



Were worn by some who would not fight,  
 'Gainst great Britannia's lawful right;  
 And we ourselves did dread and quake,  
 Lest they of us should *soldiers* make.  
 But still this was a golden age,  
 For *patent-rights* were not the rage,  
 And rogues oppressing were detected,  
 Who're now by *patent-laws* protected. (l)

---

(l) The inventor had sold his secret, exclusively, to a few individuals, for a given time, which so enraged others, who also wished to thrive in the same way, that they threatened his destruction, and were, perhaps, only deterred from their purpose, by a few friends, who armed themselves to defend his house.

In 1777 or 8, Mr. Evans began to manufacture wire, from bar iron, and having obtained some information of the hand tools, from gentlemen who had seen them used in England, soon began that of cotton and wool cards, which, being very tedious, suggested the idea of machinery, whereby they might be made with greater despatch; but, he was so pressed in his business, that he could not find leisure to test the principle. In a short time, however, being dangerously wounded by a scythe in the foot, he had an opportunity, and succeeded in mak-



*Third*, he projected a steam waggon,  
 That would itself on rail ways drag on,  
 A plan shown to him by the Devil,  
 With whom he is on terms most civil,

---

ing small models with wood, while in this condition. His father's family becoming acquainted with the circumstance, united argument with ridicule, to dissuade him from his *visionary* schemes. They, not succeeding, gave him up for lost, as a ~~metamorphosis, from an industrious~~ man to a whimsical projector. Indeed such little value was attached to his model, that even the blacksmith to whom Mr. Evans applied, considered it a useless gim-crack, and Mr. E. an infatuated inventor; and refused to work for him, on such visionary schemes, until George Latimer, Esq. by his persuasive arguments, aided by the eloquence of some good old Jamaica spirits, of which no other person had any near that place, at that time of scarcity, and which he promised to place at the smith's service while on the work, prevailed on him to undertake the job; which succeeded so well, that they all changed their language, and nothing could surpass the ingenuity of Oliver. The card manufacturers in Wilmington, (D.) having learnt the excellent qualities of this machinery, made offers for the secret; but, so patriotic was Mr. Evans, that he could not think of selling



And conf'rence holds with all his crew,  
As in the sequel, we shall shew.

---

it to individuals, to the exclusion of the public; and, as the legislature of Pennsylvania were in session, he presented a memorial to it, stating the nature and importance of his discovery, and praying for the loan of about five hundred dollars, to enable him to construct a wire-mill, in the state of Pennsylvania, with a machine attached to it, for the purpose of bending and cutting the wire into card teeth, agreeably to the principles of his invention. The legislature appointed a committee to take the memorial into consideration. This committee, like the parson in the fable, lavished their eulogiums, but would lend no money.

After this, he showed his cards, and described his invention to a person of celebrity in the city of Philadelphia; stating to him the individual offers that had been made, but that he preferred the public loan. This person treated his patriotism with seeming ridicule, which caused him to relinquish all hope of success from that quarter, and he returned to Wilmington, where, urged by necessity, he contracted to make a machine, which should manufacture five hundred complete card-teeth per minute, and obligated himself to keep the art a secret for two years, for the trifling sum of two hundred



Would you ask more than this to prove,  
He bears all else but little love,

---

dollars, reserving only the privilege of selling one other machine.

While this machine was constructing, the contractors suspended their manufacture for twenty days, saying, so inferior was the workmanship, when compared with Mr. Evans' method, that it only spoiled the wire. The machine was soon completed, and, instead of five hundred, as per contract, it made three thousand per minute, and so far exceeded their expectations, that they immediately contracted for the machine which had been reserved, and both parties were penally bound to keep the art a secret. It nevertheless escaped, and others obtained the use of the machine, with which, however, the inventor had nothing to do, for, as before stated, he was threatened with destruction, on no other account, than adhering tenaciously to his contract.†

† From which, may it not be inferred, that the contractors having got possession of the art, and bound Mr. Evans' under a heavy penalty, secretly disposed of the privilege; for though it was perfectly in their power to have kept it a secret, it was set up in their own immediate neighbourhood, and elsewhere, as the machine itself did witness, for it could not be worked without making a great and peculiar noise.—EDITOR.



Besides himself; and fain would give  
 Sheer death to all, if he can live;  
 For plain it is, though nothing worse is,  
 He means the end of useful horses;  
 'Cause, should these waggons get in use once,  
 Horses would be a perfect nuisance.

*The fourth*, he said, that he had thought  
 On a new mode to drive a boat,  
 To row itself by aid of steam,  
 With motion quick against the stream;

---

Thus was lost, one of the greatest productions of his mind. The manufacture has never been established, and we have, till very lately, been wholly dependent on the European market for wire; and even the quantity that is at present wrought in this country, has but a feeble claim to the title of exemption. Some short time after this, he designed a plan for pricking the leather, and cutting, bending and setting the teeth, at the same time; but owing to the impoverishing result of his previous discovery, he never carried it into execution, which, however, has since been done, by the ingenious Mr. Amos Whittemore, of West Cambridge, Massachusetts.



'That in still water should have pow'r  
 To run, full ten miles in an hour,  
 And could, by putting fiery spur on't,  
 Ascend the Mississippi current;  
 Could go from Orleans up to Natchez,  
 By pow'r conceal'd beneath the hatches,  
 With goods and men deep laden, he says,  
 Three hundred miles in five or three  
 days. (*m*)

---

(*m*) The principles on which steam boats and steam waggons may be driven, were discovered by Mr. Evans in 1773. Some years afterwards, he applied to the legislature of Pennsylvania, to secure him the right for twenty-five years, in which application he was directed and assisted by his friend George Latimer, Esq.; but they notwithstanding treated his memorial as if they thought him insane. He then applied to the legislature of Maryland, where, through the influence of Jesse Hollingsworth, Esq., then one of its members, he obtained a patent for fourteen years, which, however, was too short a period, or people of wealth were not sufficiently acquainted with the principles, to be interested in making the experiment, and his own circumstances were so straitened as not to admit it.



But patentees have seldom got,  
 What they can nothing do without,  
 To wit—the precious cash;—and then  
 The term's so short, all wealthy men,  
 To undertake new things afraid are,  
 Lest *rights* expire before they paid are;  
 So we escap'd this ill, because  
 Of that good trait in *patent laws*;

---

In this petition he did not include steam boats, because Rumsey and Fitch were at that time contending about their originality of invention in the application of such engines as were then known. Besides, he entertained an opinion, that the western waters were those only where steam boats would be highly useful.

During this application to the legislature of Maryland, a circumstance occurred, which, as it shows with what difficulties and prejudices real merit often has to contend, deserves to be related. While Mr. Evans was explaining the principles of his invention to a number of gentlemen, some one, to play off his waggisms, and confuse and embarrass him, asked how he could get out of the way of other waggons. Mr. E. replied, in a manner indicative of the contempt he felt at so ill-timed a jeer, "Why, Sir, were you the waggoner, and did not give room for me to pass, I would crush you and your waggon to the earth," which so completely turned the



Until two rascals in NEW YORK,  
 Together got to brew ill work,  
 (*Torpedo* Fulton and his croney,  
 Call'd Livingston, who furnish'd money.)  
 And set on by an evil spirit,  
 Resolv'd great riches to inherit;  
 So, had a boat made, that should ply  
 Between New York and Albany,  
 To row by steam as told above,  
 Which, hang'em, did successful prove,  
 For why? The state gave them and heirs,  
 A *patent right*, for thirty years!!!  
 Had knaves dup'd congress to do so,  
 Steam boats would have run long ago. (*n*)

---

laugh, that Mr. Would-be-wag was very silent and civil afterwards.

(*n*). If the government were to reclaim their lands at the end of fourteen years, none but the imprudent would settle on them. Just so with new inventions or improvements; fourteen years are barely sufficient to work them into notice: for every principle must be demonstrated to be useful before adopted; and then in the United States, it requires a great length of time, much money, and the sur-



From thence fell misery was spread  
 On those, who erst had made their bread  
 By boats with sails, an honest trade,  
 Where these boats run which they have made.  
 For strange, they go by this device,  
 In half the time, for half the price!  
 Affording to those knaves much money,  
 Who will not share with us a penny.  
 In Pittsburgh too you'd heard the moaning  
 Of people, from this burden groaning;  
 Had we not smelt what he was doing,  
 And stopt the mischief that was brewing;  
 For there he had a boat begun,  
 That all the others would out-run;  
 And were it finish'd, we've been told,  
 The mis'ry would have rais'd tenfold.

---

mounting of many difficulties, to bring them into notice.  
 Hence the wise and rich will not embark, and fools  
 without money, cannot put them into operation. The  
 principles on which steam boats now run, were well  
 known in 1787, and might have run fifteen or twenty  
 years sooner, had the inventors found the same encou-  
 ragement which has since fallen to the fortunate and  
 justly celebrated Fulton.



But we show'd talents oratorial,—  
 To congress sent a big memorial,  
 Which rais'd a storm about his ears,  
 That fill'd his prying soul with fears,  
 And prov'd the surest way of any,  
 To stop the scrub from getting money.  
 This made him from his purpose start, (o)  
 As did cold weather Buonaparte,

---

(o) At the time their memorial was presented to congress, Mr. Evans was engaged in building a steam mill for grinding grain in a city near the Atlantic, to show its utility. He also had workmen at Pittsburgh, engaged in building a steam boat a hundred and twenty-one feet keel, sixteen feet beam, and calculated to carry one hundred passengers. The engine, with the machinery, was nearly completed, at an expense, already incurred, of about six thousand dollars; and it was his intention to have completed it for a passage boat between New Orleans and Natchez: an object which he had constantly in view, and pursued, with unabated ardor, for more than thirty years. To carry these plans into operation, fifteen or twenty thousand dollars more would be required in the course of the season; which, in consequence of the storm raised by the memorialists, he thought it would be impossible



When he invaded Russian bears,  
 Without their fur to guard his ears;  
 And since that time, tho' strange it seem,  
 'Tis found that we invented steam!!  
 Yet for man's good let it lay latent  
 Instead of taking out a *patent*!

*The fifth*, a merchant flour mill,  
 Which is the most oppressive ill  
 Amongst them all, and ought the first  
 To be with extirpation curst.

Its powers combine and carry thro',  
 About a mill, all man can do, (*p*)

to obtain; and preferring to lose what had already been expended, to a greater degree of embarrassment, he discharged his workmen, devoted his money, time, and talents, to rebut his calumniators, and defeat their combination. His mill was abandoned, and his boat now stands showing its ribs, like the picture of death, a monument of the triumph of ignorance, malice, and persecution.

(*p*) These improvements, consisting in the application of the power (originally restricted to the working



By *hopperboys* and *elevators*,  
 Which robbers are, curst depredators  
 That e'er since Adam's day existed,  
 Or ever *honest millers* pested.

---

of mill stones,) to convey grain and meal up and down throughout the mill, to stir and keep it in constant and equal motion, that the air might exercise its full influence to cool and dry it till completely manufactured, without the aid of manual labour, were completed, in theory, in 1783, but were not carried into operation, till he erected a mill, for that purpose, in 1784—5; and then, before they perfectly succeeded, he had many alterations to make, great difficulties to surmount; and though the result exceeded his expectation, the introduction of them into general use was extremely laborious, and much more difficult than any other incident that had, hitherto, attended its progress.

To promote this purpose, he furnished his brother with one hundred dollars, (a very large sum, if we consider the then times, and Mr. Evans' pecuniary situation; and was, undoubtedly, more felt by him then, than five thousand dollars would be at present, if paid by many millers, from the sums they have saved by the use of this very improvement; more than could be saved without them:) and dispatched him through the country to promulgate it. He travelled through the states of Pennsylvania, Delaware, Maryland and Virginia, offering the improvement



As those that wont them use, they rob  
 Of all the profits of each job  
 In grinding grain, and what they take  
 From foes, give friends, them rich to make.

---

gratis, to the one in each county who would first adopt it; expended considerably more than the one hundred dollars, and returned wholly unsuccessful, and too, without any favourable prospects from the future. Though this first attempt to disseminate the improvement, was truly discouraging, Mr. Evans did not despond. Sometime after he contracted with Jonathan Ellicott, on the Patapsco, (Md.) the conditions of which were, that he should have a privilege gratis, provided he would make such improvement, as might appear advantageous, for the sole benefit of the said Evans, in setting them up, and make a true report of their utility to the public.

The Brandywine millers, in particular, opposed its adoption with all their influence, until it was used in several mills around them; at length they held a consultation, and deputed one of their number to Mr. Evans, to make proposals as to the terms on which they would try the experiment, which were nearly in the words following, viz:

“ Oliver, we have had a meeting, and agreed, that if thou wilt furnish all the materials, and thy own boarding, and come thyself to set up the machinery, in one of



They have whole thousands wretched made  
 And forc'd t'enlist to get their bread,  
 Or go to settle western lands,  
 And risk being scalp'd by Indian hands.

---

our mills, thee may come and try; and if it answers a valuable purpose, we will pay thy bill; but, if it does not answer, thee must take it all out again, and leave the mill just as thee finds it, at thy own expence." The principles having already been tested, and these millers knowing Mr. Evans' reduced circumstances at the time, he could but receive their propositions as a disposition to retard and embarrass, rather than encourage or forward the improvement.

Sometime after this, the inventor exhibited a model of his improved mill in the streets of Wilmington, (D.) which was to be sent to England. Some of the crowd of respectable gentlemen, who gathered round to see its performance, called to a Brandywine miller, as he happened to be passing, who was so struck with the simplicity and perfection of its execution, and the observations of those present, that he contracted with Mr. Evans, to construct one for him the next morning. It was soon put into operation, in presence of the neighbouring millers; and though the elevators and conveyor, without the aid of human hand, brought the meal from the two pair of stones, and the tail-flour from the bolts to the hopperboy, which spread it over the floor, stirring,



We too have sinn'd, if truth be spoke,  
 Our necks in bending to his yoke,  
 For merely thinking once to try it,  
 To see if aught could be sav'd by it,

---

turning, and gathering it, and attended the bolting hoppers at the same time, and in the most regular manner that it was possible to be done;—yet, one of them, Mr. J. Shipley, exclaimed, “it will not do, it cannot do, it is impossible that it should do!” and this, too, was said in contradiction to the evidence of his own eyes.\* Nothing, for a considerable time afterwards, was done by these millers, which could be said, in the least degree, to encourage the improvement. This opposition cost Mr. Evans thousands of dollars, in the travelling of many thousands of miles, in fruitless attempts to establish his

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\* The reader will, undoubtedly, be as forcibly struck with this specimen of sound eloquence, and the truth of the inference, as with that of the celebrated Latrobe, narrated in the sequel of the poem, wherein he disclaims the practicability of applying the Columbian Steam Engine, or steam to boats, to any useful purpose: notwithstanding, they have both succeeded; the one astonishing the world, from its simplicity of construction and increased mechanical power; and the other, in buffeting the tides, winds and waves, in propelling boats against their united powers.

EDITOR,



(We having heard they'd yield more flour,  
 Than any mode within our pow'r,  
 And also save the miller's wages,)  
 Like other sinners in all ages,  
 Who oft, for filthy lucre's sake  
 The path of rogues and villains take.  
 We set them up, and them we try'd,  
 Thinking if good we could them hide:  
 The juggumbobs our wishes win;  
 And we were mute as Grimalkin,  
 When from fatigue of night's carouse,  
 He patient sits to catch a mouse;  
 But yet, on us he made a grapple,  
 Snarling as tho' he'd gripe our thrapple,

---

invention: for, wherever his agents went, the enquiry was, "have the Brandywine millers adopted it?" the answer was "no!" which was generally followed by this pertinent reply: "if those who are so much more extensively engaged in the manufacture of flour, do not think it worth their attention, it certainly cannot be worth ours." It was thus the Brandywine mills lost their pre-eminence in the United States, and have descended to the second grade.



Blust'ring like equinoctial torrent,  
 And swore that he'd be paid cash current  
 Full one *per cent* on all we save  
 By use of his machines, the knave!  
 Or else by law he would it have!!  
 He ask'd for one mill, hear what follows,  
 Full six and thirty hundred dollars!!! \*

Yet we his bold demand withstood,  
 As noble hearted *freemen* should,  
 Nor 'gainst "*our conscience*" would consent,  
 To pay the dog a single cent:  
 What! give men cash for only thinking,  
 Which they would spend on cards and  
 drinking!!

Then he brought on us *persecution*,  
 Than hell more fierce, or inquisition,  
 Fiercer than Bony on the Russian,  
 Austrian, Cossacks, Dons or Prussian;  
 And worse by far, more cruel hard,  
 With us it was, than either far'd.

---

\* See their memorial in the appendix, asserting the fact.



For tho' we show'd beyond all doubt  
 That these machines he ne'er found out,  
 That all from various sources come,  
 That we ourselves invented some,  
 But sway'd by feelings too refin'd,  
 Would not with them distress mankind;  
 And he, what we invented, stole,  
 Then got a patent for the whole. (*q*)  
 But he has such intriguing art,  
 And acts so well the scoundrel's part,  
 That 'gainst the plain and sober truth,  
 By us assembled, and held forth,  
 He court and jury did deceive,  
 With conduct artful, to believe  
 That all those things were his invention,  
 Which were the subject of contention;  
 So, through his guile, they both agreed,  
 And damage to the knave decreed,

---

(*q*) See memorial to congress, signed by John Worthington, Elisha Tyson, and others. See also the law-case, in the Appendix.



To our unutterable grief,  
 A sum almost beyond belief,  
 With but one comfort, fit to mention,  
 To wit:—we had by the invention  
 Clear'd cost and charges ten times o'er,  
 With ten times what he'd cast us for: (r)

---

(r) The witnesses at the trial, proved that Mr. Evans' improvements saved one half the expense of attending mills, besides making more and better superfine flour; giving a further gain to the miller, of at least fifty cents per barrel, on all the flour manufactured.

Suppose then, a mill will run two hundred and eighty days in a year, and make twenty barrels of flours *per* day, it on this evidence amounts to two thousand eight hundred dollars; to which add a saving of one half the expense for attendance, say two dollars per day, makes in the aggregate three thousand three hundred and sixty dollars clear gain, *per* year. Why then, in the name of common sense, is not the inventor of this truly ingenious and important invention, or improvement, entitled to an inconsiderable emolument, as justly as the millers are to this great saving, by which almost every one, who has been considerably engaged in the manufacture of flour, has become substantially rich? EDIT.



But 'twas to us as day light clear,  
 That court and jury drunken were; (s)  
 And lawyers too, for it is said,  
 Unless they're drunk they cannot plead;  
 With base design he made them so,  
 More sure to work our overthrow.

'Tis true he said he only wanted,  
 The third of what by law was granted; (t)

(s) It was reported after the trial, that some of the defendants declared, that the whole Court, bench, box and bar, must have been drunk, to have given such a verdict in favour of the plaintiff.

(t) Mr. Evans' claim for a license, was only one hundred dollars, in the case of Saml. Robinson, which he refused to pay; adhering, as was evident, to the wicked and unjust counsels of Elisha, Isaac, and others. A suit, however, was instituted, and this mighty combination of wickedness and folly, wealth and numbers, intrigue and efforts, to break his patent, vanished at the tribunal of justice and common sense, like dew before the morning sun. And, instead of the original claim of one hundred dollars, the court awarded eighteen hundred and fifty dollars damages to the plaintiff, which, by the statute



*One third* the damage to him given!  
 Was e'er his match known under heaven?  
 He means thus congress to deceive,  
 Other monopolies to give:  
 Yes, this to us a nest egg seems,  
 For more of his oppressive schemes,  
 And made us quake like aspen leaf,  
 And fly to congress for relief.  
 Petition'd them to hide in night,  
 The law that gave him patent right.  
 For liberty it will dethrone,  
 And under tyrants we must groan,

---

laws of the United States, might have been trebled, and he could have justly demanded five thousand five hundred and fifty dollars. But he thought best, not to exercise the extremity of the law against one, whom, though the nominal defendant, he thought less guilty than some of the witnesses in the case, who had much at stake in the issue; besides, he thought, should he demand the whole sum, that the partizans of the defendant would be more likely to desert him, which was eventually the case, as shown in a previous note.



Unless 'tis done:—and he the wretch,  
 Will be ere long as Cræsus rich.  
 For he has lately notified  
 He will demand of us beside  
 Full interest on all sums we save, (*u*)  
 By using his machines,—the knave  
 Says them he rents as we do mills,  
 Or as some folks do farms and stills:

(*u*) Mr. Evans has published throughout the United States, that after the 22d of January 1813, he will demand of all those who continue to use his improvements, without license, in addition to his former fixed prices, interest on all sums of money saved by their use, in the expence of labour or wages and boarding, counting interest for the year the sum is saved, until license be purchased. The price of a license is the amount saved in labour, by their use, for one year only, if promptly paid.

Now, suppose a mill that makes twenty barrels of flour per day, saves the labour of one and a half men, and this saving be rated at the moderate sum of	Saved. <i>Dolls.</i> 300	Price. <i>Dolls.</i> 300
On the 22d of January 1814, there will be another sum of 300 dollars saved,	300	
Interest on 300 dollars the price, and on 300 dollars saved that year makes	600	<i>int.</i> 36
The price of license would then be		<u>336</u>



Int'rest refus'd—he swears we shall,  
 Pay all that's sav'd, whole principal!!  
 Thank yet our stars, 'taint money lent,  
 Nor can he claim the six per cent!

	Saved. <i>Dolls.</i>	Price. <i>Dolls.</i>
Brought forward,	600	336.
January 22d, 1815, there will be another sum saved,	300	
	<hr/> 900.	
Interest on 900 dollars will now be added,		54.
		<hr/> 390.
The price of license will then be, January 22d 1816, there will be another sum saved,	300	
	<hr/> 1200.	
Interest on 1200 dollars will now be added		72.
		<hr/> 462.
The price of license will then be		

And, if this additional interest be refused, he will sue for twelve hundred dollars, the principal with interest, instead of four hundred and sixty-two; and there can be no doubt, but that any jury would give him the full rent of his machines, and not the interest of his rents; or the principal and interest of his money lent, and not the interest alone; more especially when it is evident, as he will make it appear, that the whole sum he demands, will not amount to one eighth part of what a mill will



We rent machines of him, the Elf!  
 Each man invented his himself;  
 Or for it paid some honest millwright,  
 Then pay him too, ha!—not a mite.

---

save by the improvements in one year, nor more than one-hundreth part saved during the patent term, as will appear by the following statement, viz:

	<i>Dolls.</i>
The sum saved per year in labour, is	300
Fifty cents per barrel,* on six thousand barrels of flour, the quantity a mill will manufacture in three hundred days, at twenty barrels per day, is	3000
Neat gain for one year,	<u>3300</u>

which, in fourteen years, amounts to the enormous sum of 46,200 dollars. He is determined to adhere most scrupulously to this method of valuation, with those who persist in infringing his right; thus turning the disappointments and vexations of opposition, to his advantage: while those who are not infringing, may obtain license for the bare sum that will be saved in labour for one year only. He is willing to accomodate by waiting for this sum, until the machine shall have saved it thrice over, to the purchaser of license.

\* See Note (r) page 38.



Than pay such great and unjust taxes,  
 Brave Jones did cut them down with axes; (v)  
 Though since, to use'em he's found licence,  
 Which amply proves they're nought but  
 nuisance.

Some were so oafish, they've him paid,  
 By which they have our cause betray'd,  
 And put the staff into his hands,  
 With which he us severely bangs;  
 But many have been truly wise,  
 And such improvements still despise,

(v) Charles C. Jones being sued for his infringement on Mr. Evans' patent right, cut down the elevator and hopperboy with an axe. Notwithstanding, the jury awarded one thousand dollars damages. Now reader, mark what followed: though Mr. Jones cut down the said machinery, and stood trial at court, yet when the marshal levied the execution on his property, he stayed it, by an injunction, on the ground that he had purchased, and was then in possession of Mr. Evans's license.

EDITOR.



Nor *Hopperboy* nor *Elevator*  
 E'er went for them by force of water, (w)  
 They do their work as did their fathers,  
 Who did it as they'd learnt from others;  
 Shovels and rakes they'd rather use,  
 And tramp the meal with their old shoes;  
 And ere they'd pay the rogue a mite,  
 They'd swinker hard both day and night,  
 And turn by hand the bolting reel,  
 To separate the bran from meal.

---

(w) A man, by the by, possessed of a wonderfully penetrating genius, owned a grist-mill in Darby, a small village in the vicinity of Philadelphia, right opposite to which, on the other side of the stream, he erected a bolting-mill, connecting one with the other by a log, on which he passed, with the meal on his back, whenever he had any bolting to do. Whether this miller was like others of his day, or was in the practice of balancing his flour with stones, we are not informed; but, it would have been as ludicrous and laughable to see the old man tugging across the stream, and back again, under an enormous load of stones and meal, or flour, as must have been the engagement of that redoubtable knight, of chivalrous memory, with the wind-mill. We suppose,



They've no expense their flour to pack,  
 Their feet, and parts beneath their back,  
 They nimbly use, instead machine,\*  
 As cheaper 'tis, and near as clean.†  
 Such faithful honest working creatures,  
 Highly adorn our human natures,  
 Not minding innovating fools,  
 But still keep up good ancient rules;

---

however, that he left the stones until the bag was to be put on the horse.

\* With great pleasure the Editor of this work, notices the very important improvement that has recently been made in the packing of flour; for instead of the filthy and detestable method of the miller first sitting, and then with his shoes, (perhaps covered with mud from the road) jumping on the flour to press it tight in the barrel, a machine invented by Clark and Evan Evans, which will pack a barrel of flour in half a minute, and is to be obtained of them or their agents in various parts of the United States, for the moderate sum of twenty dollars per mill, is highly approbated and getting into general use throughout the United States.

† The following story, which the writer knows to be a fact, as it relates to the former method of packing flour, appears not only appropriate, but merits a place in



And best of them in custom's wane,  
 Is using stones to balance grain,  
 Which by consent we've all giv'n o'er,  
 To rid ourselves of demon's pow'r,  
 As it is said, oh strange to tell!  
 Recent on one vindictive fell;  
 Who on a kenning horse unbridled,  
 Was without parry pad bestraddled,  
 And as the horse was spurred onward,  
 -Caus'd stones to rattle up and downward,

---

this work. A miller in the state of Delaware, was enamoured with a pretty quakeress; we will name them Obadiah and Esther. In some of their frequent interviews, Obadiah invited Esther to pay him a visit at the mill, to see the process of manufacturing flour; she accordingly called on him, but it was a sorrowful *rencontre* to the luckless wight, for at the very moment she entered the apartment where Obadiah was, he happened to be engaged in ramming flour into a barrel with his *latter end*, which was succeeded by a frog leap with two dirty ponderous shoes into the very place he had been sitting; Esther, disgusted at such a loathsome filthy process, without waiting for any further knowledge of his trade, precipitately left the mill; and



Banging his ribs to such a pass,  
 The horse cried out like Balaam's ass:  
 And being much more learn'd than civil,  
 Bethought 'twas time to 'scape such evil,  
 So boldly to his rider speaking,  
 Swore freighting stones a trick was sneaking,  
 Though if I needs must bear the freight,  
 Like *Paddy* share with me the weight.  
 'Tis fair that you should toat the bag,  
 While I *toat*\* you and onward jag;  
 The man alarmed at such 'versation,  
 Took up the bag sans hesitation,  
 Thinking his horse the devil was,  
 Who'd come with him accounts to close,

---

whole months of the most assiduous attention, with the most positive assurances that other millers packed their flour in the same manner, were barely sufficient to reinstate him in her favour, and which at last was extended to him on the express condition, that all flour packed for herself and friends should undergo this filthy ritual during cool weather, while the human system was less acted upon by the influence of heat.

EDITOR.

\* A local phrase of Virginia, for carry.



So, thought to suffer short endurance,  
 The surest way to gain a clearance;  
 For oft he'd beat and seen him balk,  
 But ne'er before had heard him talk.  
 Accoutred thus the horse set out,  
 In rapid speed to toat the lout,  
 Who grain at back and stones at belly,  
 Was soon be-pommel'd to a jelly:  
 The news of which spread far and wide,  
 And men have since, whene'er they ride,  
 Plac'd grain or meal on either side,  
 Ne'er used stones old gibbes to batter,  
 But 'plied them to a use more proper.

*The sixth*, a rice mill, which he says  
 He has improved in various ways, (x)

---

(x) Mr. Evans, in his *Millwright's Guide*, published in 1795, has given a plate and description of his rice-mill, which is so constructed, as to receive the rough rice from the cart, or boat, and pass it through every operation, by machinery propelled by the power of the mill, till it is completely prepared for market; when it is discharged into the barrel placed for the purpose. By this process, an immense expense is to be saved, and the



And can, by steam, give it the pow'r,  
 To clean two hundred pecks per hour;  
 And further makes a vain pretence,  
 'Twill save much labour and expence.  
 But twenty years are past and gone,  
 Since he this rice mill first thought on,  
 Yet not a single mill has ran,  
 For cleansing rice upon his plan,  
 Because by it he plainly sees  
 He'll not much make by patent fees;  
 The patent term 's so very short,  
 'Twill not pay tests and him support.  
 Rice-millers thus escap'd his grasp,  
 More dreadful than the sting of asp;  
 Besides they are more cunning folk,  
 And necks won't bend unto his yoke,

---

grain would not be broken, as proved by experiments made on rough rice. No doubt can be entertained, that this improvement is as perfect as those on flour mills; but, from the great opposition he has met, and which appears to accumulate from every improvement or invention he makes, he has not found it worth his while, to go to a very great expence and trouble to



So only use the elevator,  
*Long used in France to hoist up water. (y)*

*The seventh, a machine design'd*  
 To break up plaister fit to grind,  
 And Indian corn 'twill bruise and maul  
 Into small pieces, cob and all;

---

bring them into notice; more especially, as the inducements held out by the government, are so inconsiderable.

(y) The defendants, in the trial mentioned in a previous note, produced in court the works of some French author, which mentioned, and treated at some length, a method of raising water by a chain of buckets, similar to the elevator used in mills, and appealed to Jonathan, a very ingenious man, one of the witnesses, to say whether it was not the same which Mr. Evans had applied to his mill improvements? He seemed pleased, and answered, that it looked like the very thing itself; and Elisha and Isaac confirmed his opinion, and exultingly smiling, declared it was the same to a notch, anticipating a complete victory.

The court and jury could not, however, be brought to coincide in opinion with them; for they conceived that the principles of the improvement did not consist in the form of the machines, but in the great result produced by their combination and new and useful application; and, in fact, if the machine had, in all its parts, been



Make it fine cattle food become;  
 Or fit to extract whiskey from. (z)  
 Though of his burdens this is least,  
 Yet it has misery increas'd,  
 And many lab'ers drove from home,  
 Who now about the country roam,  
 Following just where their hard fate goes,  
 To earn their herring and potatoes;  
 And others by it, so did harm he,  
 They have been forc'd to join the army,  
 For cruel Englishmen to shoot,  
 And savage Indians scalp, to boot.

---

found the same, that the patent would have been equally good. Thus were the anticipations of the defendants, on this score, completely frustrated.\*

(z) Indian corn, ground with the cob, is said to make better food for cattle, and also in distillation, to assist materially in producing fermentation; and when thus prepared, will afford more nourishment or spirits than the grain alone.

Nine

\* It is devoutly to be hoped that every similar combination, engendered in avarice, and kept together under a hypocritical garb, by fraud and deception, to cramp genius and rob merit of its bread, will meet with as just and exemplary confusion and disappointment. EDITOR.



*The eighth*, a mill whose power came,  
 From that new pest, *elastic steam*,—(aa)  
 (Which we have said we did invent,  
 But ne'er could gain our own consent,

---

Nine years after Mr. Evans invented this machine, he took out his patent; since which time he has found, that similar improvements have been made in various parts of the United States, and that not less than half a dozen patents has been issued from the patent-office; their specifications differing in form, but tending to similar results. The writer would advise patentees, for similar improvements, to read the second section of the patent-law, passed in the year 1793, to ascertain whether a patent, for a change of form, retaining the original principle, be valid, or whether a patent right can be so easily evaded? If, on these grounds, it can be evaded, very little value can be attached to patent rights; for, perhaps, there never has been a machine invented, that could not be differed in form, to produce the same effect; besides, it is no difficult thing to produce slight alterations, tending to similar results, from inventions already in use.

(aa) In conversation with William Donaldson, Esq. of New Orleans, Dr. George Hunter reverted to the very important improvements Mr. Evans had made, in the



By such hodge-podge and crude devices  
 To tantalize the human species)—  
 For grinding grain, and timber cutting,  
 By proper works into them putting.

---

construction of steam engines;\* which induced Mr. Donaldson to order one, for the purpose of being applied to a saw-mill. This circumstance becoming known, excited a spirit of competition; and a gentleman ordered one on the old plan, from England. This engine, though somewhat remarkable, arrived at New Orleans on the same day with Mr. Donaldson's, and the engineers sailed in company up the river, to put their respective engines into operation. Nevertheless, Mr. Donaldson's engine was in motion, and sawed, by actual account, three hundred and eighty-six thousand, five hundred feet of lumber before the other started. Previous to this, lumber had been selling for sixty dollars per thousand feet, and though it now fell to forty dollars, what had al-

\* This engine has three very great advantages over the other kinds, viz. in construction it is much simplified, and lighter; its power can be increased at pleasure, without deviation from an established medium, in size of the boiler or cylinder, and being made on the inexhaustible principle, requires but a small supply of water, which may as readily be drawn from a common well, as from the floods of the Delaware.—ED.



Scotch Billy Donaldson of Orleans,  
 Whose cranium rack'd was sorely for  
 schemes,  
 Heard of this Evans and his mill,  
 And thought with one he'd try his skill.

---

ready been sawed, amounted to fifteen thousand, four hundred, and sixty dollars; giving a clear profit of more than what the engine and mill originally cost. In about three years and a half after it went into operation, this mill was computed to have cleared seventy thousand dollars for the proprietor; while the other, (which, including expenses, had cost sixty thousand dollars,) had neither gone in good order, nor cleared any thing. Thus the two mills left a difference to the proprietors, in profit and loss, of a hundred and thirty thousand dollars. Mr. Donaldson's mill started in January, 1807, and has run in good order ever since; except when some trifling repairs, occasioned by the friction of the machine, became necessary to be made. It drives one pair of mill-stones, besides four saws, which cut about four thousand feet of lumber per day; and, as lumber, during this period, has generally been worth from forty to fifty dollars per thousand feet, it has been the source of immense wealth to Mr. Donaldson. Such are the improvements, (of incalculable value to the community,) which envy and avarice combine to embarrass and abrogate.—*Ed.*



Him Scotch George Hunter further set on  
 To carry through what he had hit on,  
 So Evans told to make a saw-mill,  
 To work upon a common draw-well  
 Some time ago, say seven years,  
 (As true to us, by date appears.)  
 The mill completed by this quack,  
 Was quickly set up at Manschack,  
 Near a bayou, on Mississippi,  
 To saw up wood to build a city;  
 Where cypress trees in dismal swamp,  
 Grew tall as steeples, thick as hemp;  
 Where Indians liv'd by fishing, fowling,  
 Trapping game, and harmless prowling.  
 It did, to our most sore vexation,  
 Exceed, by far, all expectation,  
 And weekly now saws full complete,  
 Of lumber, twenty thousand feet;  
 Which cruel Donaldson compells,  
 Poor folks to buy to suit themselves,  
 At extort prices, and each day job,  
 Adds wealth and pride to this great nabob,  
 Who can his hundred thousands score,  
 And every year makes thousands more.



The Scotch George Hunter too, aforesaid,  
 Has had him one of greater force made,  
 And sent it down to New Orleans,  
 Beginning there oppressive schemes;  
 For he'll that country in this way rob,  
 And be like Donaldson, a nabob.  
 Others besides, 'tis our opinion,  
 Will exercise a like dominion,  
 And Heav'n alone knows where 'twill end,  
 If congress don't deliv'rance send!!

An instance more, before we're done,  
 To show how his monop'ly's run:  
 One Owen Evans, (not too honest,) (*bb*)  
 Swore he would join the knave in earnest,

---

(*bb*) The said Owen Evans possessed an excellent mechanical genius, but had not studied the principles of steam-engines. He, nevertheless, had great confidence in the improvement, and contracted to furnish a sufficiency of money to build the contemplated mill. While the work was rapidly progressing, those very people who were, if it succeeded, to derive the greatest advantage from its performance, were constantly besetting him to



And help him have a mill erected,  
 In Pittsburgh, on the plan projected  
 By this, the worst of Adam's sons,  
 To drive *three pair of five-feet stones*;

---

give up his wild and visionary plans; prognosticating that this, like other attempts in the United States to drive mills by steam, must inevitably fail. Such constant harangues in his ears at length created doubts; which, with the increasing difficulties, occasioned in part, by the then existing embargo, and by the loss of his health, led him to wish to dispose of his interest in the concern; and was the cause, though he had expended seven thousand three hundred dollars, of his refusing to advance any more. Thus the whole devolved on the inventor: who, with the utmost difficulty, at the expense of seven thousand, six hundred dollars more, completed the work, and set two pairs of stones into operation.

As the work progressed, he had in contemplation, to adopt an improvement invented by Mr. Luther Stephens, to which, however, his principal engineer objected, on the following grounds, viz. that as the credit of the undertaking had been greatly injured by the delay of the work; and as the company, already much in debt, must, necessary to its completion, be much more so, it was decidedly better to pursue a plan, which he knew must succeed, than to risk its reputation on principles, no



Possess'd of such amazing pow'r,  
 'Twould twenty bushels grind *per* hour.  
 Four years ago it got in motion,  
 And people swallow'd down the potion;

---

matter how plausible, that had never been tested by experiment, and which, should they fail, would be the watch-word for creditors, to arrest and wholly break it up. Though Mr. Evans yielded to these judicious and prudent arguments, he shortly after made the experiment with the happiest result; and they have since been substituted for this, and used in all his engines.

Had this engine failed in this his first attempt, agreeable to the predictions of its cankerous opposers, the consequences are evident: Mr. Evans must have been precipitated in the yawning abyss, already prepared for him in the public estimation. But the contrary was the fact; for at the moment the steam-valve was raised, the engine, amid the acclamations and loud huzzas of a vast concourse of people, (who, by some means, having learnt the hour in which it was to start, had collected to witness the phenomenon,) went into perfect operation, and has proved the embryo of the prosperity and grandeur of the western world.

An event which occurred in consequence of this fortunate result, and deserving a tabular inscription, we mention with great pleasure.

The



With mouth wide ope, distended eyes,  
 Gazing with wonder and surprise.  
 Like us began to bend their necks,  
 Ne'er dreaming of the bad effects  
 That would to them from it ensue,  
 Until too late they saw it too;  
 For farmers more convenient finding  
 This new-invented mode of grinding,  
 That they were higher prices giving  
 Than others could, to make a living;  
 Brought all their grain to this vile mill,  
 And let the others stand stock still;

---

The directors of the Pittsburgh bank, knowing the embarrassed situation of the company, forthwith convened a meeting, and agreed to endorse, and did endorse, in their individual capacities, its paper, to an amount sufficient to enable them to carry on their business to advantage. What does not such liberality merit, when contrasted with the selfish, contracted, avaricious conduct of people, who, to oppose and embarrass, continue to exclaim, in the face of truth, "it can not, it will not, it is impossible that it should do;" till improvements and inventions become so generally adopted, they can do without them no longer; and then claim them as their own.



Since when, all that by water went,  
 Or horses drive, ha'nt earn'd a cent:  
 The lands too, 'bout there, in a trice, (cc)  
 Rose most enormously in price;  
 And scoundrels, now, there briskly drive,  
 Of these fell mills, no less than five!!!  
 Not only with them grinding grain,  
 But more, which we narrate with pain:  
 They have applied this steam and fire,  
 To grinding glass and drawing wire,  
 To mills for tilting and for papers,  
 For forging, rolling, and such capers;

---

(cc) Previous to this mill's going into operation, Pittsburgh had been no market for wheat; but afterwards, on the first good sleighing, wheat came from every quarter the distance of forty miles. Forty sleds were at one time waiting to be unloaded, and ten thousand bushels were received in a few days; and the wheat farms soon raised fifty per cent in price. Ye cypher-mongers! would ye prevent such improvements, by your calumnies and false statements?



And twenty more will soon be going,  
 For ev'ry thing,—all trades undoing. (*dd*)  
 Besides, these arts, so bold and daring,  
 On nations' wealth have mighty bearing;

---

(*dd*) This flour-mill started on the 9th of June, 1809, since which there have gone into operation, in Pittsburgh alone, besides the engine of twenty horse power for grinding grain, one of seventy horse power, for forging, rolling, and slitting iron; one of ten horse power, for drawing wire, turning iron, brass, wood, &c. and grinding glass; and two of sixteen horse power each, for making paper, tilting shovels, spades, &c. &c. Besides which, there are in various parts of the United States, about thirty others, applied to different purposes, in operation, or are making. But, though this engine, more simple in construction, more powerful in operation, and not weighing one third as much as the English engine, has been so frequently, and always successfully applied to the purposes of manufacturing, it has never been introduced to the propelling of boats. And, on the other hand, the English engine in this country, has seldom been applied to manufacturing; this predilection, undoubtedly, proceeds from primitive introduction. The inventors must apply and test their inventions themselves, or they, most probably, will remain dormant.



Commerce they've sent to Davy's pot,  
 And all our vessels left to rot;  
 Which has our country, like tornadoes,  
 O'erwhelm'd with foreign renegadoes;  
 At home who could find nought to do,  
 And are let loose, hellabaloo!  
 To gain 'mongst us their daily bread,  
 'Cause madmen spoiled have their trade;  
 And more will hap within few years,  
 If congress don't dispel our fears.  
 We should, ere now, been quite o'er-run,  
 But for what Englishmen have done,  
 Who saw such engines long ago,  
 In England try'd; and swear 'tis true,  
 That they were thrown aside as nuisance,  
 Which no wise man would ever use  
 since. (ee)

---

(ee) Several English engineers declare, that they have seen in England, engines on the same principles of the Columbian, (the name Mr. Evans has given his) but after a full trial, they not answering a good purpose, had been abandoned, and condemned as useless. Now, as



The great mechanic called Latrobe,  
 Prig'd out in scientific robe,  
 Has laboured in our cause right hard,  
 And well deserves a rich reward:  
 For in his prigish, ranting mood,  
 His twattle did essential good;  
 When he before phil'sophic band  
 Of Philadelphia made his stand:  
 Standing erect, yes, bending backward,  
 His foremost finger pointing upward;  
 —The philosophic members star'd,  
 At his odd mode, for speech prepar'd;

---

the Columbian engine does go, and answers a great and useful purpose, exceeding all others yet known, it is proof positive that it could not ever have been condemned in England, and is consequently not the same. Declarations like these, are not, however, to be wondered at, since in the mighty and *infallible* opinions of Englishmen, no inventions, improvements, or original ideas, at least possessed of merit, can spring from any other quarter of the world, than the “fast anchored isle;” even beef, porter, and cheese, without this *stamp*, lose not only their title to excellence, but even their nourishing qualities.



And silence reign'd, like that of yore,  
 For full the space of half an hour.  
 At length this solemn silence broke,  
 And thus he to his fellows spoke:  
 By great St. Francis roundly swearing,  
 "That fools become had quite too daring;  
 That this infernal steam-boat mania,  
 Was nothing but humbug insania; (*ff*)  
 That boats and waggons ne'er would budge  
 By steam, and so it was all fudge."

---

(*ff*) For the demonstrations respecting the impossibility of propelling boats by the power of steam, see the Report of B. H. Latrobe, Esq. as adopted by the American Philosophical Society, in Philadelphia, and published, in their transactions, under the article of Steam Engines.

This Report was adopted by sections; and that part which related to the prevalence of a steam mania, and stating the principles of the Columbian steam engine to be absurd and futile, was rejected. Query: how much of its credit would have been saved, provided they had rejected the whole?



Science profound to them he stated,  
 Too deep to be by us related;  
 His eloquence the hall resounded,  
 The rats beneath the floor were 'stounded;  
 The snoring bats from sleep awoke,  
 And frogs in ponds dar'd not to croak.  
 No cricket chirp'd beneath the hearth,  
 While his bright eloquence shone forth;  
 But when he spoke of nature's law,  
 Owls laugh'd, *hoo hoo hoo hoo hoo*  
*waugh.*

Yet curst steam-boats have run despite,  
 Of all his philosophic light;  
 And much we fear steam-waggon are,  
 No mighty distance in the rear.  
 Then we must turnpike all our roads,  
 And 'stead of stone build turf abodes;  
 For where can stone and wood be found,  
 If roads and rail-ways thus abound?  
 Besides, here ends not half the curses:  
 What will become of carts and horses?  
 Of oxen, waggon, and coach-stages,  
 When his fell engine all the rage is?



The western country, as predicted,  
 Will to this tyrant be subjected; (gg)  
 As by a famous lawyer told,  
 Who is all honest, wise, and old,  
 When he to congress wrote a letter,  
 The danger showing of the matter;  
 A prolix tale, of harm and wrong,  
 As David's Psalms, almost as long;

---

(gg) James Ross, Esq. had listened to calumniators, exparte, until, (if we are to judge from the letter he wrote to congress,) he entertained the most horrid ideas of the inventor of the Columbian steam engine! though, to do him justice, it is believed, had he known the true state of facts in their relative circumstances, that if he had written at all, his letter would have been of a very different tenor.

Notwithstanding, lawyers above every other class in the community, should know that "one story is good, till another is told."

This letter was of a most prodigious and incredible length, and went particularly to caution that body against the extending or renewal of Mr. Oliver Evans' patents, lest the whole western country should become subject to his unreasonable and exorbitant exactions.



Though he attention could not get,  
Else we had drove our horse-mills yet.

Should he but get his boats and mills,  
Waggons and curs'd quadruple stills,  
Say but in units, put in use,  
Would they not thousands soon produce?  
Then follows he with calculations,  
And most excessive valuations;  
For every thousand sav'd, ask one,  
Or, as he now does, grasp at ten. (*hh*)  
Should we not then, with all the nation,  
Keen feel the gripes of his extortion?  
Would all the money in the land,  
Amount to what he might demand?  
And should he once get all the money,  
Where can an *honest man* get any?

We now make bold to speculate,  
And do prophetically state,

---

(*hh*) See the first Article of the Appendix.



That not a single plow or harrow,  
 Ship, boat, mill, hoe, axe, pick, or barrow,  
 Scythe, sickle, shovel, waggon, cart,  
 Or any implement of art,  
 But will such changes undergo,  
 That those who now live would not know,  
 Should they from death resuscitate, (ii)  
 When fifty years have told their date,  
 What plan they should adopt for thriving,  
 Or even get a scanty living.

Good friends, we think at this recital,  
 We see you just in mood to fight all;  
 Vowing to touse up this base villain,  
 And end th' oppression he's such skill in.

---

(ii) This perhaps is the most groundless complaint of the memorialists; for it is not to be presumed that Satan, who, in holy writ, is termed the prince of the power of darkness, will give them up from the grave, to recommence their opposition to his agents, as they, in their address, have called patentees; he knows his interests better. "A kingdom divided against itself, cannot stand."



Wild, raging at the oversight,  
 Of making laws for *patent right*;  
 Declaring they no longer shall,  
 Good honest men, like us, enthrall.  
 Therefore deem useless further pains,  
 To stir and hammer up your brains,  
 As if you were men without sense,  
 Whom nothing would or could convince;  
 So we'll not further tire your patience,  
 With what he's done; but only say, since  
 Now you're work'd to proper spirit,  
 For paying him his just demerit,  
 What 'tis he yet intends to do,  
 And without doubt will carry through,  
 Unless in time he should be stopp'd,  
 Which is devoutly to be hop'd.

*First*, a machine for digging canals,  
 Banking marshes, deep'ning channels,  
 Filling wharves, and raising low grounds,  
 In fact, for like things 'twill have no bounds;  
 All by steam engines to be done,  
 Whilst lab'ring men must idle run.



The *second* is to distil whiskey,  
 (Which makes some drunk, and others  
 frisky.)

Instead of one still he'll drive four,  
 Using the same heat four times o'er;  
 And so contrived is this still,  
 It will itself discharge and fill;  
 And by a single course bring off,  
 All spirit of the highest proof,  
 Free from empyreumatic oils,  
 Which in the process from it boils;  
 Consume but one fourth part the fuel,  
 Will four times more than others do well;  
 And whiskey make, (too cheap already)  
 Cheaper by far than ever had we;  
 Thus drunkards make of all the world,  
 And ruin on mankind be hurl'd.

*Third*, steam engines, more powerful  
 Than those in use, yet take less fuel;  
 More suitable, by being light,  
 To give his boats and waggons flight,  
 And by it, would we give our honors,  
 Ruin all other engine owners.



*The fourth*, another that shall run,  
 By *rays collected from the sun!!*  
 And, without fuel, force maintain,  
 Thus ruin them all o'er again! (*kk*)

Oh that we now had finish'd all  
 The ills that on us he might call;  
 Though these alone should him reward,  
 With dance on air, in hempen cord;

---

(*kk*) Specifications for several of those mentioned in the Address, have been lodged in the patent office; and as they have never been published, we are at a loss to know, how the memorialists came by their knowledge: unless Elisha, their agent, when he journeyed to Washington on an ass, to deceive congress with his cyphers, and discom-garrigumfrigate\* his arch enemy, the inventor of the hopperboy and elevator, obtained them from the patent office.

\* Our author, like most modern ones, appears to have an itch for new-fangling or inventing words, and in this instance, it must be acknowledged, that he has been truly happy and original; for the very sound of this word, carries a "knock'em down" meaning.—ED.



Yet he, 'tis said, has made pretension,  
 To more than we have time to mention;  
 But your attention let's engage,  
 To hear three more,—then storm and rage.

*The fifth* a great gun, that has got  
 The pow'r to fire an hundred shot  
 Of largest size, in one short minute!!  
 And kill more men than any seen yet!

*The sixth* a dreadful gun again,  
 To pour out small shot thick as rain;  
 Could kill us all at musket distance!  
 Before we'd time to make resistance!

Can you hear this in placid temper,  
 And blood not through *your body scamper*;  
 Don't men die fast, and much too soon,  
 By simply letting them alone?  
 Men should not kill'd be by such elves,  
 Since they die fast enough themselves.  
 Where then 's the need that we can have  
 For guns to send them to their grave?



Besides, should tyrant Bonaparte,  
 Intrigue with him to get this art;  
 Or should he to "our *faith's* defender,"  
 Great George, the same, for money tender,  
 They most assuredly would blow up,  
 The whole of civilized Europe.—  
 Yes, more perhaps, at fate they'd frump it,  
 And from its orb the earth quite jump it,  
 Bestride it, spite of all our fears,  
 A jack-o-lantern, through the spheres.

Again we your assistance urge,  
 To help us extirpate this scourge;  
 Whose evils, could you know them right,  
 You'd find were painted very slight;  
 And if in time you don't look to it,  
 We certain are you'll one day rue it:  
 But if the bud you timely crop,  
 The flow'r and fruit of course will stop.

Put on straight coats with wooden but-  
 ton, (ll)  
 Which none thinks hide a conscience rotten,

(ll) For Note see next page.



Can falsehood, lie, or vermin, harbour,  
 While cleans'd and smooth'd, by — our  
 barber:

Don't for a moment doubt success,  
 The whole depends on good address;

---

(ll) Wherever the worship of a deity is known, whether among Pagans, Mahometans, Christians or Jews, hypocrites are to be found. But perhaps among all religious sectaries, none have offered greater opportunities, or have been more frequently or grossly imposed on than that of the friends. The causes for which are obvious; viz. The society, established on the broad principles of universal peace and benevolence, had by the constant propriety of its conduct very justly acquired the character of an inoffensive, honest and upright people; thus far, it appeared to approach perfection, nearer than any other human association. But the circumstance of its having adopted a peculiar language and dress, has, as a consequent result, created doubts, as to its propriety, in the minds of its most ardent admirers. For it presents an opening for the knave and hypocrite to disguise, and consummate their iniquitous machinations; for the wolf disguised in sheep's clothing to enter the pale of the church, and there aspiring to the highest seats, while assuming to teach the sacred doctrines of immutable



Should he oppose, yet sure one clown,  
 Can by an *hundred* be run down;  
 Though with his great guns there's no  
     vying,  
 He'll stand no chance at all at lying;  
 Mark what we did with congress last year,  
 By adding of a single nought, there—  
 Unto his mill improvement license,  
 Which made it higher read, by ten times;  
 For he it by three figures told,  
 And our one nought, made it ten fold;  
 By which congress the danger saw  
 Of length'ning term, of *patent law*.  
 'Tis well they did refuse to do it,  
 'Cause if they had, we'd made them rue it;

---

truth, to practice all manner of fraud on the innocent  
 and unwary.\*

\* How far will the conduct of Elisha, square with the conduct  
 of these innovators on the peace and happiness of mankind.

EDITOR.



For though we do refuse to fight,  
 To vote we hold undoubted right,  
 And can at our own will and pleasure,  
 Thwart any governmental measure.

Now hear another, and the *last*,  
 Which fearfully we tell in haste;  
 'Th' infernal seventh, for surely it  
 Must first of devils come: to wit,  
 Machines invented by this wretch,  
 That set on fire all they can reach;  
 Burns men alive, and then it drowns 'em;  
 Too bad indeed—may ills confound him.  
 With these he has it in his pow'r,  
 Grim death on *honest men* to show'r,  
 In ways so cruel by him made,  
 To die the bravest are afraid;  
 And if with money he is trusted,  
 No doubt we shall one day be frust'ed,\*

---

\* Used for "frustrated"



With his fell engines,—doubtless taught  
 To him by devils, that are fraught  
 With malice to poor feeble clay,  
 Who try to harm us ev'ry way.  
 For did not poet Milton tell,  
 Such guns were us'd by imps of hell,  
 When they made war with hosts of heaven,  
 And into fiery lakes were driven?  
 Did he not at the same time say,  
 That Satan, on a coming day,  
 Would, by a fav'rite on the earth,  
 Put all these horrid engines forth?  
 And has not Evans, by th' event,  
 Shew'd he's the imp that Milton meant?

Now don't this prove he's skill'd in black  
 art,

And, leagu'd with *Satan*, acts a bad part,  
 As sure as witch to go and come quick,  
 E'er rode through air upon a broom-stick,  
 With sprites and de'ils, to dance in kirks,  
 Naked, excepting thin short sarks?  
 For who can doubt what Tam O'Shanter,  
 That honest, drinking, rowing ranter,



Has told to Rob, the Scottish poet,—  
 'Tis certain true, for Robbin knew it.

Tam saw them, in one damp and dark  
 night,  
 Dancing in church, by Jack-o-lant light,  
 In pulpit, Old Nick priest-like 'ray'd,  
 Sat, and on Pluto's bagpipes play'd  
 Them rantish jigs, which roar'd like thunder,  
 While Tam and he both gaz'd with wonder,  
 To see how old hags danc'd and jumpt,  
 And show'd their shankies as they rompt;  
 Did writhe and twist, and make sore wails,  
 As if hot irons burnt their tails;  
 Till a young lass, quite blouse and bonny,  
 With thinner, shorter sark than any,  
 Not reaching quite adown her middle,  
 (So drest they dance to pipes and fiddle;)  
 Came smirking, dancing, fairy wise,—  
 Nick star'd, Tam gaz'd with open eyes,  
 And Satan soon forgot to play,  
 When Tam, in raptures, loud did say,  
 "Well done my pretty cutty sark,"  
 And in an instant 'twas pitch dark.



But Tam had learn'd in younger days,  
 That running streams stop de'ils always;  
 So shap'd his course to gain a creek,  
 That on its margin they might stick.\*  
 His mare Meg laid legs to't, and ran,  
 Making air whiz past ears of Tam.  
 They followed, buzzing through the air,  
 And truly, Tam did squeak with fear;  
 Just as he reach'd the ripp'ling stream,  
 Their claws were stretch'd to grapple him,  
 And whapt the tail from off the mare,  
 So narrowly did Tam get clear;  
 Who hasten'd home in sweat and trembling,  
 And in no humour for dissembling,  
 Told all this dire tale to his wife,  
 And how he just had 'scap'd with life.

Well Tam, said she, ha'nt I told true,  
 That sprites or de'ils would thrapple you?

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\* It is a well known fact in Scotland, that witches, warlocks, ghosts and hobgoblins, cannot, in their evil designs, pursue people over any running water.—Ed.

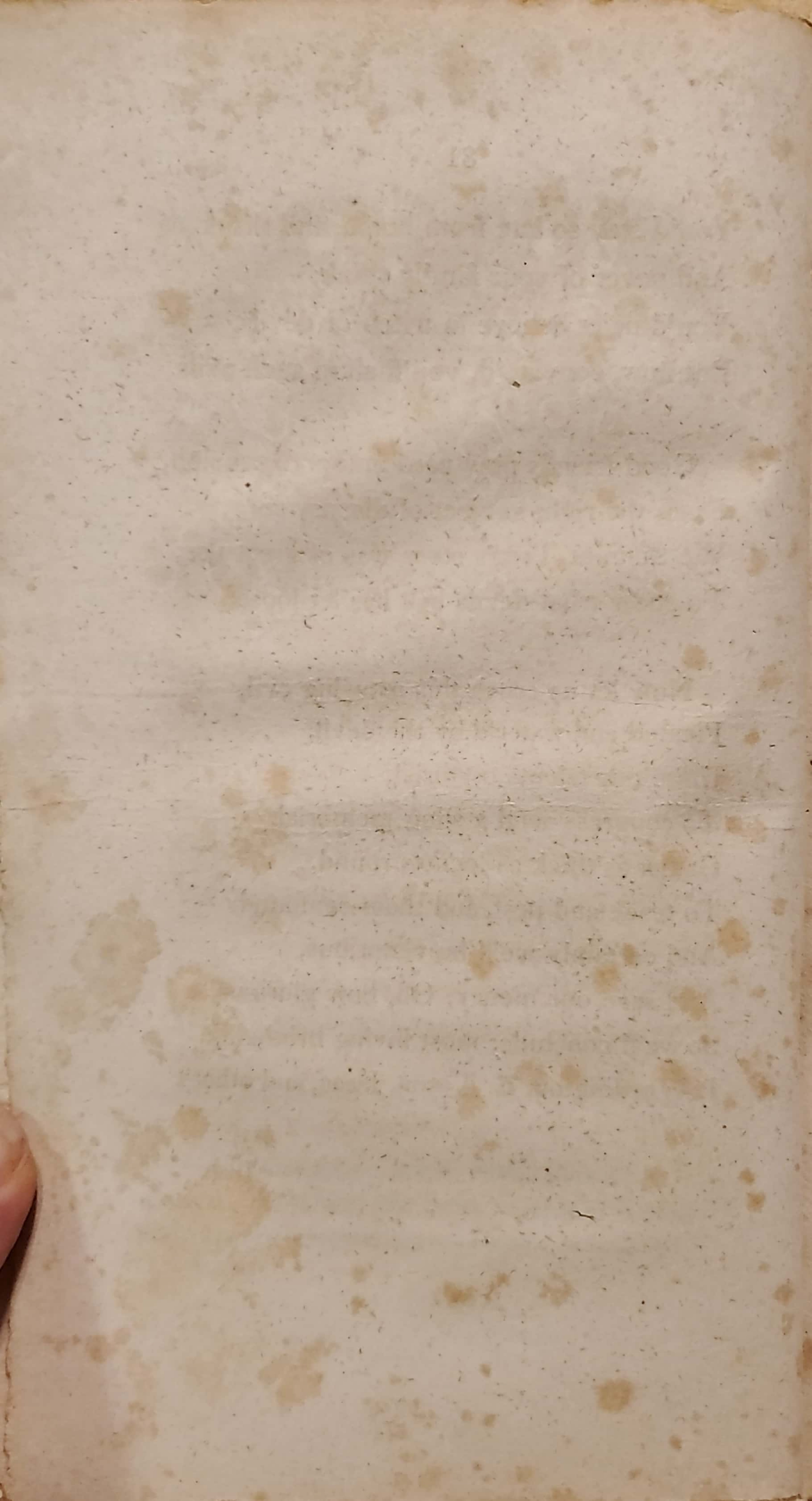


You'd stay so late from home, and drink  
 And never of your fam'ly think;  
 You'd ne'er believe in witch or devils,  
 But now, convinc'd, you'll shun such evils.

Good friends pray pardon this digression,  
 From the right subject of discussion;  
 We thought Tam's story was of great use,  
 To show what devils hell has let loose.

Now let us crush this growing evil,  
 Planted and water'd by the devil;  
 Unite our talents oratorical,  
 To congress send a snug memorial,  
 Gather as thick as locusts round,  
 To teaze and pest, and them confound;  
 And certainly we'll be victorious,  
 And save our money; Oh, how glorious!  
 So we'll conclude, most loving brothers,  
 J. Wordington, E. T-son, Isaac, and others.







APPENDIX.







## APPENDIX.

*Note to Page 68.*

WHEN merchandize and passengers shall be carried by these improved steam boats from New Orleans up the Mississippi, and its tributary streams, even to Pittsburg, for half the expense that they can either be by the steam boats at present in use, or by waggons over land from the Atlantic cities, and these boats return deep laden with the products of the country;—when the want of water falls, which is the great barrier to manufacturing, and the principal objection to the western country, shall be completely obviated, or remedied, by the general introduction of the simple and cheap Columbian Steam Engine, which will also furnish the means of every species of manufacture, such as grinding the grain, and sawing the timber of the country:

When their grain shall be distilled into high proof spirit at one operation, by these quadruple stills, thus lessening the expense of the transportation of the crude material to a mere trifle;—when waggons, driven by steam, shall transport passengers and the products of the interior with great despatch to maritime markets,—



who can conceive the great rise in the value of every man's land throughout the whole western country, and especially those adjacent to navigable waters? Who can form any conception of the vast benefits that must accrue? The millions of dollars, could they be aggregated, would astonish the calculator.

The memorialists say, one dollar out of every hundred would make the inventor as Cræsus rich. Yes, one from each one thousand dollars, or each ten thousand, is a greater sum, if the advantages of his improvement be taken into general view, than ever he asked, or will ever ask. It is a fact, that Mr. Evans and his son of Pittsburg, did petition congress in 1811, to limit their demands so as never to exceed three per cent. interest on the sums that could be saved by the use of their machines, over and above the old method, or without them, and this to extend to all the patents they ever have, or ever shall take out, on condition that they would grant patentees their protection for twenty-eight years instead of fourteen, which would enable them, as well as all patentees, at least where their plans were plausible, to obtain the necessary aid to put their inventions into operation. This three per cent. on the savings from the manufacture of flour, by the use of his improvements, would amount, during the patent term, to ten times the sum he has ever demanded for the improvement, and would far exceed the price he could think of demanding for any of the improvements he has specified, which are numerous and important, and will most probably, as the laws now are, remain, with a vast



number of others, in the patent office; which would be a circumstance of great elation to such men as the memorialists, who, though sordid, selfish, and contracted in their principles and opinions, have great influence on society, and have, by their duplicity, misrepresentations, and suppressions, created doubts in the minds of many people, and even of congress itself, whether it be proper and politic to lengthen out the patent term to twenty-eight years, and whether the public good would be promoted commensurate with such privileges. Thus, while this hesitating system is pursued, the most important discoveries are suppressed, and the public are deprived of the immense advantages that must necessarily result if they would hold out the necessary encouragement to induce inventors to disclose their important plans, and enable them to put them in operation.

Since the commencement of time, inventors have been robbed of their labours. Their ingenious productions, no matter how momentous to their existence, have been considered and treated as public or common property, and it is extremely difficult to convince the interested multitude that these people (the inventors) have rights as well as any other class of the community. Hence, they cannot obtain justice, and it is doubtful whether they ever will, unless the people can be brought to see the portion of evil they, by such means, entail on posterity, and reform such glaring injustice. If those who oppose improvements in the arts, would reflect on the astonishing slow progress civilization has made, since the periods in which we can revert to with any degree of cer-



tainty; if they would take into consideration, the once barbarous condition of mankind, and their present state of refinement, and then know that all this progress, this refinement and civilization, has resulted from the labours of inventors, discoverers and projectors, they would believe, that the present condition of man could be greatly benefited by only doing strict justice; they would see the sources from whence it was to flow, and instead of embarrassing and hindering, they would cheerfully aid and assist, and thus endeavour to discharge their duty to posterity.

The true and original object of the social compact, was to encourage and foster improvements, increase prosperity, concentrate efficient resources, and furnish the necessaries and conveniences of life, by securing to individuals, *en stipulation*, the fruits and benefits of their own labours, cares and industry. Yet by the patent laws this compact is violated. The portion of the community who make improvements for the public benefit, are only secured in their labour for fourteen years, while those who are only capable of imitating, are secured in the fruits of their labours for ever. The capable man discouraged, the incapable man encouraged! Did ever a greater absurdity exist? How can it be accounted for? I answer, the inventors are too few to have any weight in society; they have neither strength nor influence sufficient to support their rights in legislation; but they are like the bee, which, with great ingenuity, invents its little cells; with studious care artfully extracts the honey from the flower, and thoughtful of the future,



with unexampled industry, labours to promote the prosperity and happiness of the commonwealth—and to what purpose? To invite, to his certain destruction, the aggression of insects, beasts and men!!

The property of inventors is likewise preyed on, and they would be seized on for slaves; but all the powers of despotism cannot compel a man to make one useful discovery: where slavery is imposed, and despotism holds hideous and undisputed reign, genius, affrighted, flies, and ignorance, bigotry and barbarity supply its place. Can it be expected that a man will exert himself to make any important and useful improvement, when he knows that as soon as he has completed it, the profits or advantages of it are to be filched or taken from him; or should he surrender it gratuitously to the public, he is, on account of his own superior talents and abilities, to receive all the insults, jeers, and contempt of the despicable invidious, who will exult in his misfortunes and poverty, and maliciously insult him at all opportunities?

No; a wise man will be cautious never to let it be known that he has conceived a new and useful idea of any improvement; it lessens his credit next to a bankruptcy; he is deemed a fool or madman for having entered the path to ruin, and no one, who by industry obtains a living, or has acquired a fortune, will credit him; and should he, being in distress, apply to any for relief, it must be to one who inherits by legacy.—EDIT.



*Extract from The Weekly Register, published at  
Baltimore.*

## OF THE MILL IMPROVEMENTS.

The following petition was presented at the 1st Session  
of 9th Congress—1807—8.

To the honourable, the  
Congress of the United States.

The petition of OLIVER EVANS humbly sheweth, that your petitioner, in pursuance of the act of congress, entitled "An act to promote the progress of the useful arts," obtained a patent for his improvements in the art of manufacturing flour and meal, well known to be useful in this country.

That relying on the validity of his said patent, your petitioner expended much in publishing and disseminating his said improvements, travelling either himself or by his agents, for 13 years in the United States, from state to state, and from mill to mill, to instruct workmen to make, and millers to use his said improvements. And in this way has been expended the small fees which he received from those who have generously and freely paid for his license to use his said improvements. That many others have, without his license, and contrary to the true intent of the said act, constructed and used his said improvements, and continue to withhold from your petitioner, all the profits of his labors as well as all the



rewards which the said act contemplated to secure to him for his useful discovery.

Your petitioner did appeal to the laws for redress against these intruders of his rights, and a case being brought before the honorable the judges of the Circuit Court of the United States, for the Pennsylvania district, he there pleading his exclusive right to the improvements by virtue of his patent: But the validity of his patent was there and then disputed by the defendants, and after a patient hearing of the arguments on both sides, and a full investigation having been made, the honorable judges did unanimously agree in a decision, that your petitioner's patent being deficient in form, is insufficient, invalid and void of itself, and thus your petitioner, without any fault on his part, is deprived of all means of recovering what is so justly due to him. The above decision having been made at Philadelphia on the 23d day of October, 1807, your petitioner's counsel instructed him to proceed without delay to obtain a good patent for his said improvements, to be of due form and good in law, to which your petitioner is justly entitled, having on his part, in the first instance, performed all that was required of him by the said act; but has never received a patent securing to him his rights as intended by the said act. Your petitioner proceeding accordingly, has paid thirty dollars into the treasury of the United States, presented his petition to the secretary of state, filed specifications, explanations and drawings of his original improvements, including also the additional improvements that he has made



thereon, in the office of the secretary of state, agreeably to the said act. But, to the great disappointment and mortification of your petitioner, the secretary of state is of opinion, that he is not authorised to grant the patent, and your petitioner is left without remedy. Your petitioner prays that the secretary of state be authorised to grant the patent, or such other relief as the justice of his case and the utility of his improvements merit, and the public good require—such as you in your wisdom shall deem right: and your petitioner will, as he shall be enabled, and it may become his interest, put in operation other more useful improvements by him invented and discovered: part of which he attempted to make known some time ago, by publishing their principles in a new work.

(Signed)

OLIVER EVANS.

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*An act for the relief of Oliver Evans.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the secretary of state on application in writing by Oliver Evans, to cause letters patent to be made out in the manner prescribed by the act entitled, "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," thereby granting to said Oliver Evans, his heirs, executors, administrators and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using,*



and vending to be used, his invention, discovery and improvements in the arts of manufacturing flour and meal, and in the several machines which he has discovered, invented, improved and applied to that purpose: *Provided*, That no person who may have heretofore paid the said Oliver Evans for license to use his said improvements shall be obliged to renew said license, or be subject to damages for not renewing the same: *And provided also*, That no person who shall have used the said improvements or have erected the same for use, before the issuing of the said patent, shall be liable to damages therefor.

J. B. VARNUM,

*Speaker of the House of Representatives.*

GEO. CLINTON,

*Vice-President of the United States, and  
President of the Senate.*

January 21, 1808.

APPROVED,

TH. JEFFERSON.

[Laws of the United States—vol. 9, chap. xiii. p. 20.]

OLIVER EVANS, Plaintiff,	}	Circuit Court for the 4th circuit of the United States, Maryland District, November term, 1812.
vs.		
SAML. ROBINSON, Def't.		

This was an action on the case, for the infringement of a patent right.

The declaration contained four counts.—The *first* recited the substance of the act of congress, entitled “an act for the relief of Oliver Evans,” passed 21st



January, 1808; of the petition of the patentee to the secretary of state; of the specification and description of the invention annexed to the petition, and of the letters patent and schedule making part thereof. It also contained a concise statement of the plaintiff's improvements in the art of manufacturing flour and meal; which comprehend certain principles, made to operate through the agency of various machines. The first principle consists in the subdivision of the grain or any granulated or pulverized substance, in elevating and conveying the same from place to place, in small, separate parcels, in spreading, stirring, turning and gathering the same, by regular and constant motion, so as to subject the same to artificial heat and the full action of the air to cool and dry the same, when necessary to avoid danger from fermentation, and to prevent insects from depositing their eggs during the progress of the manufacture. The second principle consists in the application of the power which moves the mill or other principal machine to work any machinery; which may be used to apply the same principles or perform the said operations by constant motion and rotation to save expense and labor. It proceeded to state that the machinery invented and used for applying the aforesaid principles consisted of an improved *elevator*, an improved *conveyor*, an improved *hopper-boy*, an improved *drill*, and an improved *kiln dryer*. This count further alleged that the plaintiff had complied with the several provisions prescribed by the acts of congress on the subject of patent rights; and concluded with stating the breach to consist in the defen-



dant's having used the plaintiff's said improvements, without a license. The *second* count stated the breach to consist in using machines, which were an *imitation and resemblance* of those invented by the plaintiff. The *third* stated the breach to consist in using *part of the said improvements*, to wit, the *elevator, conveyor, hopper-boy, and drill*. And the *fourth* stated the breach to consist in using *part of said improvements, &c.*

The defendant put in the plea of *not guilty*.

No notice was given by the defendant of an intention to prove any special matter; but the want of notice was waved by the plaintiff, and the range of testimony was agreed to be unlimited.

The plaintiff, having produced in evidence, the act passed for his relief, and the patent issued in conformity thereto, proved notice thereof to the defendant prior to the breach complained of; and that the defendant used the elevator, conveyor and hopper-boy invented by the plaintiff, in his mill in Montgomery county, Maryland, driving one pair of mill stones, and grinding twelve barrels of flour in twenty-four hours. The witnesses on both sides, who knew any thing of the origin or progress of the discovery, united in proving that the plaintiff was the original inventor of his patented improvements; and all bore testimony to the immense utility and admirable perfection of the invention.

Messrs. *Pinkney, Harper and Williams* were counsel for the plaintiff.

Messrs. *Martin, Purviance, Dorsey and Pendleton* were counsel for the defendant.



This case was elaborately, learnedly and eloquently argued. The leading cases on patent rights for new inventions were adduced; and the law on that subject fully discussed. Any attempt to report some of the arguments, pronounced on the occasion, would afford a very inadequate conception of their force and brilliancy. On the part of the plaintiff, they convinced and delighted all who heard them. They demonstrated conclusively his right, as inventor, to his patented improvements; depicted in severe and glowing colors the depravity and baseness of those who had combined to defraud him of the fruits of his ingenuity; maintained his claims and pretensions beyond all controversy, and established his genius and merits on an exalted and triumphant eminence.

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*The following brief statement was furnished to Mr. Oliver Evans, by his counsel, for the purpose of exhibiting to the Committees of Congress, appointed on the subject of his patent right—The hon. Judge Duvall, in his testimony, before the Committee of the Senate of the United States, confirmed it; and has observed that he did not consider this representation so full in favor of Mr. Evans, as the evidence warranted:*

At the last (November) term of the Circuit Court of the United States, in Baltimore, several actions came to trial, which had been brought by Oliver Evans against different persons, for infringing his patent right, by using his mill machinery without his permission.



The millers near Baltimore, with the Ellicotts and Tysons at their head, made common cause with the defendants. The defence set up was that Evans was not the original inventor of the machines, for which he had obtained the patent. To support this defence witnesses were summoned from various and distant places, particularly from the neighborhood of Christiana, in the state of Delaware, where Evans resided at the time when, as he alleges, the invention took place. The causes were twice continued, on the application of the defendants, to give them an opportunity of procuring the attendance of all their witnesses. All did attend at the trial.

The machines in question were, the conveyor, the elevator and the hopper boy. Evans' patent included others, but they are not in general use, and had not been used by the defendants. As to the conveyor, the proof was, that Jonathan Ellicott, previous to the invention of Oliver Evans, had invented and used a machine something like the conveyor of Evans; but it was proved, on the part of Evans, that his conveyor differed essentially from that of Ellicott, was an improvement on it, and was much better adapted to the purpose to which Evans applied it. It was also proved, that Ellicott had never applied his machine to that purpose, until the application was made and practised by Evans; who, consequently, not only improved the machine in a new and useful manner, but invented a new and useful application of it, when so improved; making thereby a new and useful improvement in the art of manufacturing flour.



The elevator came next in question—Here the defendant gave evidence of various hydraulic machines, something resembling an elevator, that had formerly been used in Europe, or proposed to be used, for raising water; but it appeared that none of those machines had ever been applied to the raising of meal or grain, or were fit for that purpose. The elevator of Evans was essentially different, and a great improvement, which was not only applied to this new purpose, in the manufacture of flour, but was extremely useful for that purpose. They then produced a miller, from the state of Delaware, of the name of Stroud, who, after Evans told him grain and flour might be raised by a machine, did, in fact, make an elevator similar to that of Evans, though not complete. But Stroud declared, that he never should have thought of it but for the information he received from Evans; and it was proved on the part of Evans, that he had invented his elevator and made a complete model of it before Stroud's was made. On this head Stroud was so well satisfied that he purchased a license from Evans to use his elevator, together with his other improvements.

As to the hopper boy—The defendant gave evidence, that some millers, in Delaware, of the name of Marshall, having heard of Evans' discoveries, (which were kept concealed) invented and attempted to use a very imperfect machine, for the purpose to which Evans applied his hopper boy. But the Marshalls, who were produced as witnesses, proved that their machine did not answer the purpose, on account of several essential de-



fects in its principle and construction, and that as soon as that of Evans, which was very different and very complete, made its appearance, they adopted it, by license from him, and threw aside their own. All these machines were admirably combined in an original and useful manner by the patentee.

The defendants, thus defeated on the evidence, next attacked the case on the construction, and even the constitutionality of the act of congress; but the court, composed of Mr. Duvall, a judge of the Supreme Court, and Mr. Houston, the district judge, decided against them on every point. They then gave up the defence, and confined all their evidence to the mitigation of damages. The jury found a verdict of 1850 dollars for the plaintiff in the first case, who declined demanding the treble damages allowed by law. The defendants, in all the subsequent cases which came to trial, to the number of four, confined themselves entirely to excuses in mitigation of damages. In all the cases there were verdicts for the plaintiff, with ample damages, which gave universal satisfaction.

The special act of congress, it will be observed, under which the patent, in controversy, was granted, gives a right of action against such persons only as have used, since its passage, or may hereafter use the machines, without having purchased license therefor. All who paid under the former defective patent are expressly protected; nor can there be any recovery for using the machines prior to the present patent, even without having paid for them. The special act is not retrospective in its opera-



tion, or in the construction put upon it by the patentee and his counsel.

Evans, to shew the utility, as well as originality of his improvements, produced at the trial many respectable witnesses, and read the following certificates from the Messrs. Ellicotts, near Baltimore, the most skilful millwrights, and experienced millers in this, or perhaps any part of the United States:

“ We do certify that we have erected Oliver Evans’  
 “ new invented mode of elevating, conveying and cool-  
 “ ing meal, &c. As far as we have experienced, we have  
 “ found them to answer a valuable purpose, well worthy  
 “ the attention of any person, concerned in merchant or  
 “ even extensive country mills, who wishes to lessen  
 “ the labour and expense of manufacturing wheat into  
 “ flour.”

(Signed)

JOHN ELLICOTT,  
 JONATHAN ELLICOTT,  
 GEORGE ELLICOTT,  
 NATHANIEL ELLICOTT.”

*Ellicott's mills, Baltimore county, }  
 State of Maryland, Aug. 4, 1790. }*

Respecting the utility of these machines and improvements, it was fully proved, that in a mill which can manufacture twenty barrels of flour a day, they save at least three hundred dollars a year, in labour alone; that the operation is more perfectly performed and with less waste; that more work can be done by the same mill, and a larger proportion of superfine flour produced from a given quantity of wheat, equal to, at least, fifty cents



gain to the miller on each barrel; that the saving upon the whole, in such a mill, upon the most moderate computation, amounts to twelve hundred dollars a year, probably much more; and that no mill, without these improvements, can be employed in competition with such as have them.

We were counsel for Mr. Oliver Evans in these cases, and have given this statement at his request. We certify it to be true, and have no doubt that the Judges, who heard the causes, if applied to, will confirm it.

ROBERT G. HARPER,  
NATHANIEL WILLIAMS.

*Baltimore, January 16, 1813.*

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*Copy of a Note addressed by Wm. Pinkney, Esq. attorney general of the United States, one of Mr. Evans' counsel, to Mr. Williams.*

Baltimore, January 19, 1813.

DEAR SIR,

I find the statement signed by you and Mr. Harper, relating to the trials, at the last session of the circuit court, for Maryland, of Mr. Oliver Evans' cases, to be perfectly correct; and you are at liberty, if you think fit, to make use of this note as a proof of my entire concurrence in that statement.

I am, dear sir, your faithful and obedient servant,

(Signed)

WILLIAM PINKNEY.

*Nathaniel Williams, Esq.*



In the progress of this cause, the defendant's counsel contended, before the court—

That the letters patent granted in this case, were not conformably with the act of congress, passed for the plaintiff's relief. That the declaration did not correspond with the proof, as, in the construction of the defendant's counsel, the breach was alleged to consist in the use of machines, whereas the patent comprehended the discovery of principles, as well as machines. That the plaintiff was not entitled to a patent for the conveyor, inasmuch as J. Ellicott had previously invented a screw to mix flour, although the plaintiff's conveyor was differently constructed from Ellicott's screw, and applied to a different purpose. That the defendant was not liable to pay for using the machinery in question, it having been erected before the passage of the special act, or the grant of letters patent to the plaintiff, and after the expiration of the former letters patent, when it was not unlawful to erect or use the same. And lastly, that the act for Oliver Evans' relief was *ex post facto*; that it impaired the obligation of contracts, and was therefore unconstitutional, he having obtained letters patent in 1790 for the same improvements, which had expired before the act aforesaid was passed; it not altering the case that the first patent was declared, judicially, to be null and void for defect of form.

The court (judges Duvall and Houston) declared, that the letters patent in controversy, were issued conformable to law. That the declaration was good and sufficient to maintain the plaintiff's case, as established in proof;



some of the counts alleging that the defendant used the patented improvements generally, and others, part of the improvements. That the plaintiff's conveyor being a new and useful improvement of the continued spiral screw, and applied to a new and useful purpose, entitled him to a patent for his improved conveyor. That the second proviso in the act for Evans' relief, passed the twenty-first of January, 1808, protected the defendant from any liability to pay damages for using the machinery without a license, previous to the granting of the patent, but not for any subsequent use. And that in the opinion of the court, the act referred to, is not an *ex post facto* law, for that relates to criminal cases only; that it does not impair the obligation of contracts, or interfere with any rights previously acquired by the community; that on the contrary, the legislature has evinced its attention to individual rights, by exempting, in a special proviso, all persons from the obligation to renew a license, purchased under the former patent; that congress have the exclusive right by the constitution, to limit the times for which a patent right shall be granted, and are not restrained from renewing a patent or prolonging the time of its continuance; more especially in the present case, where the patent granted in the first instance had been decided, by judicial authority, to be null and void, on account of some defect in the patent.

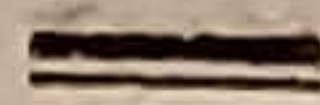
The jury brought in a verdict of *eighteen hundred and fifty dollars* damages.

N. B. These damages were given for four years and nine months' use of the machinery, covering all the time,



by consent of parties, up to the period of trial; and for the right to use the machinery in future without limitation of time.

The second case which was tried, was against Charles C. Jones, in which the verdict was for *one thousand dollars*, damages; with the same agreement, as to license, as in the preceding verdict.



*The following concise notice appeared in the papers, shortly after the termination of Evans' suits.*

#### IMPORTANT LAW CASE.

On the 3d of December, 1812, came on an interesting trial before judges Duval and Houston, in the circuit court of the United States, for the Maryland district, between Oliver Evans, plaintiff, and Samuel Robinson, defendant, which continued four days.

Messrs. Pinkney, Harper and Williams, were counsel for the plaintiff.

Messrs. Martin, Purviance, Dorsey and Pendleton, were counsel for the defendant.

The controversy arose on an infringement by the defendant of a *patent right* secured to the plaintiff under a special act of congress, for his improvements in the art of manufacturing flour and meal, and in certain machines which he had invented, improved, and applied to that purpose—which machines are called, an elevator, conveyor, hopper-boy, &c. Various questions of law were raised by the defendant's counsel on the constitutionality of the law, the regularity of the patent, the pleadings in



the case, &c. all which were decided in favour of the plaintiff. Witnesses were collected from distant and various places with a view to prove that the plaintiff was not the original inventor of the improvements for which he had obtained a patent, or of some part of them. And sundry plates representing hydraulic machines, which were heretofore in use, and in some degree resembling the plaintiff's elevator, were produced for the purpose of showing that he was not the inventor of that machine.

But he succeeded in establishing his pretensions to that and every other part of his patented improvements, including his conveyor, the invention of which was contested with him by Mr. Jonathan Ellicott. And he proved that his inventions in the art of milling, caused a saving of one half the labour; manufactured the flour better; and produced moreover a gain in the quantity equal to at least *fifty cents* on each barrel; besides various other profits and advantages.

At the close of the trial the defendant's counsel abandoned the defence, as untenable, and addressed the jury briefly on the subject of damages.

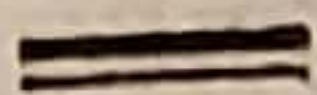
Great ingenuity, learning and eloquence were displayed in the progress of the cause. And the distinguished genius and merits of the patentee were rendered conspicuous and convincing by the testimony and arguments adduced. The jury brought in a verdict of one thousand eight hundred and fifty dollars damages.

[The defendant's mill is situated in Montgomery county, does not work all the year, grinds twelve bar-



rels per day, and has the machinery to one pair of stones only.

There were verdicts in three other cases, with ample damages, which appeared to give universal satisfaction.]



*The Memorial of John Worthington, Elisha Tyson and  
others against Oliver Evans.*

To the Senate and House of Representatives  
of the United States of America.

Your memorialists humbly beg leave to represent—  
That your honourable body, on the 21st of January, 1808, passed an act authorising the secretary of state, “on application in writing of Oliver Evans, to cause letters patent to be made out in the manner and form prescribed by the act entitled, ‘an act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose,’ thereby granting to said Oliver Evans, his heirs, executors, administrators and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using and vending to be used, his invention, discovery and improvements in the art of manufacturing flour and meal, and in the several machines which he has discovered, invented, improved, and applied to that purpose.” That letters patent did accordingly issue, which are now in full operation; and that, by means of them, the patentee is exercising a most grievous oppression over the citizens of the United States; more especially, over



those who are immediately engaged in the manufacture of flour.

Your memorialists, in any ordinary case, would be the last to remonstrate against benefits which the legislature of their country might think proper to confer upon any individual; but believing, as they do, that your honourable body, when you consented to pass the act of January, 1808, in favour of Mr. Evans, were deceived by artful representations of merit; and knowing also that Mr. Evans has used his patent for purposes in which it could never have been intended to give him aid, your memorialists feel confidently assured, that congress will not hesitate to reconsider the grounds of their former grant, and to do impartial justice between Mr. Evans and the rest of his fellow-citizens.

Your memorialists have understood, and they have no doubt of the fact, that when congress undertook to renew Mr. Evans' monopoly, they were industriously made to believe that he was the inventor of all the machines for which he solicited, and obtained his patent. In this your honourable body were most grossly deceived. Many of your memorialists have just witnessed the progress of several trials that took place at the last term of the circuit court at Baltimore, in actions instituted by Mr. Evans for infringements on his patent rights; although the result of those trials was such as must give alarm to every man who has dared to think of opposing this exorbitant monopolist, yet did they prove most incontestably, by the investigations to which they led, that Mr. Evans was not the original inventor of any one of his



patented machines. Your memorialists entreat the patience of your honourable body, while they briefly detail the testimony relating to this question, such as it appeared before the circuit court, and such as it can again be exhibited whenever your honourable body may think proper to require it. The machines which form the subject of Mr. Evans' patent, are the "conveyor," the "elevator," the "hopper-boy," and the "drill." For greater perspicuity we will state the testimony as applied to each machine in successive order.

1st, The conveyor—It was proved that Jonathan Ellicott, of Baltimore county, was the first inventor of this machine. He had it erected in his mill some time before the year 1786, and applied it to all its present uses. He showed it to Oliver Evans, who was highly pleased with its operation. He said, it was all that was necessary to complete his machinery; that he had long desired to have such a machine but could not devise one; and finally, in consideration that Jonathan Ellicott would permit him to attach it to his elevator and hopper-boy, Oliver Evans gave him a perpetual license to use the last.

2d, The elevator—This machine has been invented nearly a century and a half. There are books, a hundred years old, that exhibit it (applied to hydraulic purposes.) The same in principle, form, dimensions and materials with the elevator now claimed by Oliver Evans as his original invention.

3d, The hopper-boy—A machine upon the same principle with Oliver Evans' alleged hopper-boy, worked by the same power, acting in the same manner upon the



meal, and producing the same effect, although not as beneficially, was invented by Edward Marshall, of Delaware, and set to work in his mill before the time of Oliver Evans's supposed discovery. Mr. Evans lived in the neighbourhood of this invention.

4th, The drill—The invention of this machine did not come in question before the circuit court, but it is susceptible of undeniable proof that Jonathan Ellicott, before referred to, was the inventor of it as well as the conveyor.

Thus it appears that Mr. Evans's merit as an inventor, in no respects corresponds with the artful and imposing representations by which your honourable body were induced to grant him your protection for a second term of fourteen years. So far from having invented ALL these machines, he was not the original inventor of any one of them. Your memorialists, therefore, might here rest their petition; but they think it proper to notice the other grounds of Mr. Evans's pretensions. These are, first that he has invented useful improvements in the structure of the several machines secured by his *patent*; and, secondly, that *he was* the first who applied those machines to their new use in mills.

The "conveyor" and "hopperboy" are the only machines in which Mr. Evans will now attempt to shew that he has made any improvement. In the elevator and drill he has not made even an alteration.

1st. Then, of the conveyor—The *transverse flights*, form the alteration which he claims to have made in this machine. Even if Mr. Evans was the inventor of



this alteration, its utility in the manufacture of flour is extremely questionable. Several most intelligent millers who were examined upon this subject, in the trials at Baltimore, were so much at a loss to discover the beneficial effect of this alteration, that they said they preferred the spiral conveyor. The great utility of this alteration is rendered still more questionable by the fact, that a large portion of the millers, even those who have paid Oliver Evans for the license of his patented machines, do not make use of the transverse flights. But your memorialists are convinced that Mr. Evans was not the author of this alteration. They will be able to show your honourable body that this improvement, like most of the improvements which Mr. Evans claims, was discovered by other persons, from whom he adopted it.

2dly. Of the hopperboy—Mr. Evans, as has been before stated, was not the original inventor of this machine. Your memorialists admit that he was the first who added the ropes, leading the horizontal arms around; and that this addition facilitates the operations of the machine. But, surely, it will not be contended that, upon this alteration, congress bottomed their grant. This improvement may have been sufficient to entitle Mr. Evans, under the general law, to a patent for the improvement, but for nothing else. It could not have entitled him to a patent for other machines which he never invented, nor improved; much less can it entitle him to an extension of his exclusive privilege beyond the usual term.

Your memorialists come now to the last ground of Mr. Evans's pretensions, "that he has the merit of hav-



ing first applied those machines to their present use in mills." This ground was much narrowed by the trials, before referred to, in the circuit court at Baltimore. It was there shown that the conveyor, the hopperboy and the drill, were applied by their original inventors to all the purposes for which they are now used. The elevator is the only machine about which there can be the least doubt; and, to the minds of your memorialists, there are conclusive reasons for believing that Oliver Evans was not the person who first discovered the application of this machine to its present office, the raising of wheat and flour. Oliver Evans first exhibited his elevator, first informed the world that he had invented one, in the year 1787. Twelve or eighteen months before this time, James Stroud, of the state of Delaware, had erected a perfect elevator in his mill.

Mr. Stroud, in the circuit court at Baltimore, related the history of his invention. Standing in his mill contemplating the machinery he then had in it, he observed that as the leather strap turning the *fun* performed its revolution, the buckle by which it was fastened would catch up a few grains of wheat below, carry them up with it, and empty them out at the top. The thought immediately occurred to him that a machine revolving like this strap, with buckets upon it, would completely perform the office of raising his wheat and flour. He constructed it accordingly, and found it perfect. This machine is what is now called "Evans's elevator." Your memorialists admit that a brother of Oliver Evans declared in the circuit court at Baltimore, that Oliver Evans had



several years before this period invented precisely the same machine; and, that although he did not show it to the world by using it in his mill, yet he had it, and the model of it was locked up in a chest, and continued so locked up for several years. When this testimony comes before your honourable body, it will, no doubt, receive whatever credit, under all its circumstances, it may be entitled to. But your memorialists hope *they* will be pardoned for believing that there was some mistake in the matter.

Your memorialists have thus candidly detailed the testimony relating to Mr. Evans's patent. They feel assured that your honourable body, will discover in it abundant cause to take this subject again into consideration. Your memorialists, however, will take the liberty of suggesting other motives of great weight.

When congress consented to renew Mr. Evans's exclusive privilege in 1808, they could not have intended to give their law an *ex post facto* operation. Yet such has been the construction which our circuit courts have felt themselves constrained to give to the act of January 1808. In the circuit court at Philadelphia it has been decided by judges Washington and Peters, that even those who erected their machinery in the interval between the expiration of Mr. Evans's first patent in 1804 and its renewal in 1808, cannot continue to use them without a license under the second patent. The hardship of this construction is extreme. The United States abounds with mills in which the machinery was erected during that interval, when no law existed to prohibit it; when



no man was aware of any right still remaining in Mr. Evans; and when the public thought they were enjoying a property for which they had already paid the price. But since this construction, persons who erected their machinery under those circumstances, must either pull it down or subject themselves to actions for *treble damages*, or they must consent to pay whatever price the patentee may choose to demand for a license. As it regards his charges, your memorialists humbly state, that the act of renewal has imposed no limitation upon Mr. Evans; an omission of which he is availing himself most oppressively. During his first patent, while he was looking forward to his intended application for a renewal, Mr. Evans observed a very becoming moderation in his demands.

Thirty-three dollars was originally the price of his license to use his machinery in application to one water-wheel. But as soon as the act of 1808 had put the community in his power, he began to advance, from exaction to exaction, until he now demands about twenty times the amount of his former charge; and threatens that he will rise still higher. From one of your memorialists Mr. Evans has demanded *thirty-six hundred dollars* for his license. This fact, while it shows how oppressively this patent bears upon individuals, will enable your honourable body to form some estimate of the enormous profits which he, the patentee, will derive from a general use of his machinery throughout the United States. Your memorialists will not consent to believe that congress intended to let Mr. Evans loose upon the community



with so grievous, so despotic a power. They therefore pray that your honourable body will again take this subject into consideration, that you may examine the grounds upon which Mr. Evans's patent issued, and do whatever, in your wisdom, you may think fit.

And your memorialists will ever pray, &c.

*Baltimore, January 1, 1813.*

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## THE COUNTER MEMORIAL.

To the Senate and House of Representatives  
of the United States.

The memorial of Oliver Evans respectfully sheweth, That your memorialist has been favoured with a copy of the memorial of John Worthington and others, and of the evidence accompanying the same, which he has read with surprise; and your memorialist begs leave to declare that he believes he can yet prove every statement in the said memorial as evidence, tending to show that your memorialist is not the original inventor of all and every one of the machines in their improved state, nor the original combiner and applier of them to produce the useful result of his great improvement on the art of manufacturing of flour and meal, as patented to him, to be erroneous. But your memorialist did never expect to be put on this proof, more especially before congress, seeing that courts are appointed by law for deciding on such disputed points. Yet if required by the honourable congress, although most of his most in-



timate friends, to whom he communicated his discovery, years before he made it public, are dead, he believes he can find one in Queen Anne's county, Eastern shore of Maryland, where your memorialist lived when he made the discovery; one living in New Castle county, Delaware; one in Mifflin county, Pennsylvania; and one in the city of Washington, viz. Evan Evans.

And to prove that he set up the machinery in his mill in part, on Red Clay Creek, New Castle county, and then made it public by presenting a subscription paper, setting forth the whole improvement, stating that in case the neighbouring millers would subscribe a sufficient sum, your memorialist would make the improvement, which he has since done; but that on the millers refusing to subscribe any thing, and on being advised by James Latimer, esq. (now deceased) to apply to the state legislatures for exclusive rights, he took down his machinery, and secreted them until he should receive those exclusive rights; that it was after all this that Stroud discovered the elevator; and Marshall and Stroud attempted to make the hopperboy. He can find witnesses in the state of Delaware, and in Philadelphia, to support the testimony of Evan Evans, to whom all is well known. In corroboration he may procure copies of his petitions to the legislatures of Pennsylvania, Delaware, Maryland\* and New Hampshire, petitioning for the ex-

\* In 1876, O. Evans petitioned the general assembly of Maryland, for a patent to secure an exclusive property in his mill machinery and steam carriage; and at April session, 1787, the



clusive rights for twenty-one or twenty-five years, not only for his improvement on manufacturing flour, but for steam carriages of his invention; and also copies of the acts in his favour of Pennsylvania and Delaware for the mill improvements only; Maryland and New-Hampshire for steam waggons also for 14 years,—too short a time; had it been for 30 years, steam boats and steam carriages might have been in use 20 years ago.

That your memorialist could shew what have been his pursuits, and he begs leave to refer to the secretary of state's office, to the specifications he has filed there of several other great discoveries, and he declares he has several others yet to file, which he fears he will not be able to put in operation, under the present patent laws and endless litigation.

These would shew to your honourable body the great improbability of those men having been the inventors, who now begin to claim the original discovery of your memorialist's patented improvement, as soon as the great profits thereof begin to appear.

Your memorialist acknowledges that he has raised the price of his license to use his inventions and improvements, as their value became known, from bestowing them gratis, with his thanks to those who would accept them to make their utility known, to thirty-three dollars, forty dollars, one hundred dollars, up to his present demand, which is the sum saved to the user in wages and boarding of hands for one year only, rating the wages

assembly passed an act entitled "an act to grant to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this state the machinery herein described."



and board of a miller, at three hundred dollars per year; which is not more than one-eighth part of the full gain by the use for one year, for his license to use for and during his patent term.

That is, where the price of license is 300 dollars, the gain by the use per year will be 2,400 dollars, and for 14 years 33,600; out of which they pay 300 dollars for license. Your memorialist may defy John Worthington and others to produce an instance, in the world, of so low a charge for so great a benefit made by any patentee; and he denies their charge of having demanded 3,600 dollars for license for one mill, although he has heard that Elisha Tyson said so; he can prove that he demanded only 250 dollars per mill for six mills of said Elisha.

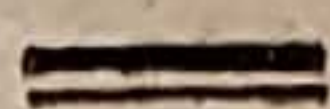
Your memorialist conceives it impossible for him to produce his proofs in due time before your honorable body, nor could congress devote the time necessary to hear the great mass of testimony, that would be produced. He therefore prays that the report of the recent trials in the Circuit Court of the United States, held at Baltimore; the testimony voluntarily given by James Stroud and Edward Marshall before a notary public; and the testimony of colonel Enoch Anderson taken before a judge, accompanying the memorial, be deemed and received as part of the same; and that he and John Worthington and others be referred with their cases back to the courts of the United States; and your memorialist will, with the consent of those of the memorialists who are infringing his patent right, commence



suits against them, to give them an early opportunity of proving in court that he is not the original inventor; and your memorialist will ever pray.

OLIVER EVANS.

*Philadelphia, January 22, 1813.*



1st. The agent of Oliver Evans in Baltimore, under authority from him, offered to sell a license to Elisha Tyson to use Evans' machinery complete for six pair of six feet stones, in a merchant mill of the most approved plan, for *fifteen hundred dollars*. It was to rate as five pair of stones, though the machinery was to be applied to all six, because it was supposed all would not ordinarily run at the same time; but it was expressly stated, that no further claim should be made, even if all six did sometimes run together. No other demand was ever made of said Tyson, or any of his sons, by Evans' agent; nor is it believed or pretended, that *any* ever was made through a different channel. This certificate is given by the agent, who has Tyson's and Evans' letters before him, on this subject, and which are the foundation of all that passed thereon.

2d. Evan Evans in his testimony, in the case of Evans *vs.* Robinson, stated, that in 1782 or 1783, while his brother Oliver Evans lived on the Eastern Shore of Maryland, the latter told him he had conceived a mode of elevating meal, as fast as it fell from the mill-stones, by a machine, consisting of buckets attached to a strap; which machine was to be moved by the water-wheel.



That his brother soon after made a model of his elevator, of paper; and that he witnessed its first private experiments, in a mill which Oliver and his brothers built in Delaware; and that this was long anterior to any elevator being in use in Stroud and Marshall's mill. That his brother, having long before described it to him, also put into operation, when the mill was built, a hopperboy, which was concealed from the public, the door which led to it being kept locked; and this was previous to any machine of the kind being set up in any neighboring mills or elsewhere, to his knowledge; and that when his brother was advised to apply to the legislatures of the adjoining states for exclusive rights to his discoveries, (which was before the adoption of the federal constitution) he took down his hopperboy; the elevator had previously been kept concealed. That the first conveyor which his brother Oliver invented and combined with his other machinery, was not a continued spiral screw, but was a succession of ploughs placed transversely across the spiral line; and this conveyor was applied to convey the flour from where it falls from the mill-stones to the elevator; and that this conveyor, so constructed and applied, was not in operation in any other mill that he ever saw, or heard of it, before it was so invented by his brother Oliver. Evan Evans lived with his brother when the machines aforesaid were invented.

3d. Samuel Wallace, of Delaware, who was a witness in the suit against Robinson, testified, that he lived with Oliver Evans when his first hopperboy was in operation; that he, Wallace, hung the door which led to the loft,



where the hopperboy was placed, which was kept locked, and the key confided to his charge. He also stated that said Evans had then the model of an elevator, which was not put up. The machines were kept concealed until Evans could obtain patents from the state legislatures. He concurred with other witnesses, that it was notorious then that Evans was the inventor of the mill machinery.

4th. Thos. Philips, of Delaware, testified as to the universal belief that Oliver Evans was the inventor of the mill machinery; which he said was in use in his mill, and was an annual saving to him of 500 dollars in labor, and, besides other profits and advantages, produced a gain of from 50 to 60 cents on each barrel, in the superior quantity and quality of the flour manufactured.

5th. Levi Hollingsworth, formerly of Cæcil county, Md. now of Baltimore, gave evidence, among other things, that it was the general opinion through the country, at the time the improvements in question were introduced, that Oliver Evans was the first inventor thereof.

6th. Joseph Marshall, brother of Edw. Marshall, was a witness, on behalf of the defendant, in the case of Robinson, and gave similar testimony to his brother's, whose deposition is inserted at length.

7th. Col. Enoch Anderson, formerly of Delaware, now of Pennsylvania, in a written deposition, and orally on the trial aforesaid, stated that he was intimately acquainted with Oliver Evans from 1784, that he lived near to him, and had almost daily intercourse with him; that in that year Evans told him he could elevate, con-



vey and cool meal and flour by machinery, as fast as it fell from the mill-stones, which machinery could be worked without manual labor; that he told him this before any machinery was set up in Stroud and Marshall's mill, or any other that he ever heard of; that when he saw the machinery in the mills of Stroud and Marshall, they admitted it was originally invented by Evans, and said they had his permission to use it. He also details in his testimony many other and minute circumstances, relating to the progress of the invention.

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8th. OLIVER EVANS, } In the Circuit Court for the fourth  
 vs. } circuit of the United States, in and  
 SAM'L. ROBINSON, &c. } for the district of Maryland.

James Stroud, a witness summoned on the part of the defendants, in consequence of the adjournment of the court, voluntarily testifies, and upon his solemn affirmation solemnly declares, that he is an inhabitant of New-Castle county, state of Delaware, about fifty-three years of age, and has for near thirty years pursued the business of a miller, with only occasional interruptions, and understands the mechanism of mills for grinding wheat and other grain; he says the first he ever heard of elevators and hopperboys, for which the plaintiff has obtained a patent, was, to the best of his recollection, in the year seventeen hundred and eighty-four, or seventeen hundred and eighty-five; that the first time he ever heard of the invention of elevators and hopperboys, he understood they were invented by the plaintiff, Oliver Evans: and that the second time he conversed about such an



invention was with the said Oliver Evans, who said that it was not only practicable to raise flour, &c. but that it was then in operation, although the deponent had never then seen the machinery, nor had he ever heard of any other person inventing such machinery before the said Oliver Evans. That the first elevator he ever saw was in Marshall and Stroud's mill in New-Castle county, soon after the invention was made known, probably in the year seventeen hundred and eighty-five; that this elevator was principally erected under the care and direction of this affirmant, who had discovered, as he believed, the principles of the plaintiff's discovery, for which he (the plaintiff) had then no patent; that in the same mill he first saw a hopperboy, or machinery resembling a hopperboy, soon after the experiment of the elevator aforesaid; that this hopperboy was the production of the joint labor and invention of William Marshall and Samuel Stroud, the owners of said mill, and of the two sons of said William Marshall; on experiment it was found not to answer the desired purpose. Soon afterwards this affirmant had a conversation with Oliver Evans about his invention of the hopperboy, and one was made by this affirmant according to his (the said Oliver Evans's) plan; and another was put up according to the same plan in the mill of said Marshall and Stroud, and were found to answer better than any other invention or machinery that had ever been previously discovered or made according to the best of this affirmant's knowledge and belief, or has since been discovered to the best of his knowledge; it being the same now in general use. The affirmant further solemnly de-



clares, that from his own knowledge and observation, and from all that he has heard from others on the subject, he verily believes Oliver Evans was the first inventor of both the elevator and the hopperboy now in common use in mills for manufacturing flour from wheat; and that he so believed at the time he, the affirmant, was making such machinery in the year 1784 or 1785 above mentioned; as the first idea or notion of the same, was derived from him, the said Oliver Evans. The affirmant further says, that the invention of the elevator and hopperboy, with other improvements in making flour, for which the plaintiff has a patent, in his opinion saves one half the labor which otherwise would be necessary for carrying on the milling business; and also are causes of great saving and do the work better than could be done by manual labor, in the mode practised before such inventions. That he hath known Oliver Evans ever since his inventions aforesaid, and was acquainted with the first trials and experiments of such inventions in said Marshall and Stroud's mill, and knows a great number of mills in which they are used, and that his (the said Oliver Evans's) claim to the originality of said inventions was never disputed in the neighbourhood where they were so first tried, to this affirmant's knowledge, nor elsewhere, that this affirmant knows of, until the cases now under trial.

(Signed)

JAMES STROUD.

Affirmed and signed before me, this 10th November, 1812.  
(L. s.)

SAMUEL STERETT,

*Not. Pub. Baltimore.*



9th. Edw. Marshall, of New-Castle county, state of Delaware, being solemnly affirmed to speak the truth, declares and says, that he is about forty-eight years of age, and was instructed in the business of a miller in early life, and pursued the same generally as his profession; that about the year 1785 or 1786, this affirmant's father asked this affirmant what he thought of a machine that would take up the flour as fast as it was ground, to which this affirmant answered that he thought it impossible; when affirmant's father replied, that Oliver Evans said he had invented such a machine. He says this was the first time he ever heard of the elevator; that about this time James Stroud, who rented the lower mill of William and James Marshall, and near to the mill of affirmant's father, said that he had found out the principle of the elevator, and supposed it to be Oliver Evans's plan, and this affirmant assisted in making one according to such discovery; that at first it did not work well, but it was altered so as to answer better. The affirmant says that, after making such elevator, Samuel Stroud invented a hopperboy, which on trial did not answer the intended purpose. That this affirmant then altered the machinery of said Samuel Stroud, but still it would not answer all the purposes required, although much improved; he says that he never saw a perfect hopperboy before Oliver Evans's plan, and he verily believes, as he always hath done, that the said Oliver Evans is the original and true inventor of the hopperboy now commonly in use; and he also believes that said Oliver Evans is the first inventor of the elevator, now likewise in common use in mills for



manufacturing flour. The affirmant further says, that his father paid to Oliver Evans a certain sum for the privilege of using his elevator and hopperboy, in the lower mill belonging to his said father, the receipt for which now is, or lately was, in the possession of this affirmant's brother.

(Signed)

EDWARD MARSHALL.

Affirmed and signed before me the 10th of  
(L. s.) November, 1812.

SAMUEL STERETT,

*Not. Pub. Baltimore.*

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10th. *The following certificate was furnished to O. Evans, without his previous knowledge or request, but from the spontaneous motion of the persons who signed it, for the purpose of correcting some inadvertant expressions which had been drawn from them, by the persons named in it. It has been affirmed to by Mr. James Stroud in Philadelphia, in the absence of Mr. Edward Marshall.*

Staunton, New-Castle county, Del.

January 22, 1813.

This is to certify that on the 5th day of January instant, Isaac M'Pherson, Samuel Stroud and Thomas Wether-  
spoon called on us to certify that Samuel Stroud's state-  
ments of the mill machinery was correct, and prepared  
a certificate for us to sign; which, after some alterations,  
we did sign, but it being done in too much haste, and  
not knowing what use it was to be put to, we were not  
so particular as we should have been; and upon more



deliberate consideration, since we got a copy of our certificate annexed to Samuel Stroud's statements, we find some points not agreeable to our minds, which we beg leave to correct to prevent injustice from taking place.

In the first place it appears in Samuel Stroud's statements, "that Oliver Evans called at the mill to see it, and said that he had planned in his head a similar set;" we declare that Oliver Evans had said that such a thing, as to hoist the meal as fast as the mill ground it, to convey it about the mill, cool, &c. could be done, and that he could do it; this he said before James Stroud made the discovery of the elevator, from the screen strap, and before any hopperboy was made by Samuel Stroud or Edward Marshall; which we do not consider to be on the same principle; neither will it answer the same purpose as Evans' hopperboy: We do firmly believe, and it always appeared to be the belief of William Marshall, deceased, that Oliver Evans was the first inventor, and that we *lit* on it from his saying that it could be done, and that he could do it. For any thing else we refer to our depositions, given in Baltimore, which are correct; we could not obtain a copy of Samuel Stroud's statements and our certificate, until yesterday, or we would have wrote sooner.

(Signed)

EDWARD MARSHALL.  
JAMES STROUD.

A true copy from the original, duly examined  
(L. S.) and compared,

BENJ. NONES,  
*Not. Pub. Philadelphia.*



11. The subscriber unsolicited by, and unknown to OLIVER EVANS, feels it due to truth and justice to state his recollections of the mill machinery. He well remembers when at the *Brandywine mills*, they used to hoist the flour from the lower story to the loft, in large buckets or tubs, filled by shovels from the chests into which the flour fell from the mill-stones: he has also frequently seen a man employed at these mills in heaping the flour over the *hopper* to let it pass into the bolting cloth below. Born in the neighborhood of these mills, and passing his infancy and youth at *Wilmington*, within half a mile of them; and going there to swim and to skate, as well as for other juvenile amusements, the place presenting delightful advantages for their enjoyment, he has passed through those mills, or some of them, many hundred times before and since the improvements were introduced. His young mind was much pleased to observe the little buckets (*the elevator*,) supplying the place of the large one, above alluded to; and he was much amused to see the labours of the *hopper-boy*, that spread, cooled and collected the meal, without manual labour, to the spot where it was wanted; nor was he less agreeably surprised at the operation of the *conveyor*, that, while it cooled the flour, passed it on to the place where the *elevator* caught it. He also recollects to have heard it stated that the introduction of this machinery would throw more than twenty persons out of employ at *Brandywine*; and always understood that these *innovations* on the old mode of manufacturing flour, were made by *Oliver Evans*.



While writing the above, an old *schoolmate* is at my elbow, who has precisely the same recollections. Neither of us pretend to know that *Oliver Evans* really invented those things; but are certain that *common fame* gave him the credit of them at the time they were introduced at the *Brandywine-mills*.

H. NILES,  
*Editor of the Register.*

Baltimore, Feb. 10, 1813.

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## ESTIMATE OF PROFITS.

FROM THE FREEMAN'S JOURNAL.

On the trial of a cause in the circuit court of the United States, for the Maryland district, Baltimore, December 3d, 1812, *Oliver Evans* was plaintiff, *Samuel Robinson* defendant, which continued four days; one thousand eight hundred and fifty dollars damages were recovered by the plaintiff.

It was proved by the witnesses, that *Evans's* invention and improvements in the art of manufacturing flour, not only caused a saving of full one half of the labour of attendance, but manufactured the flour better, and made about twenty-eight pounds of superfine flour more to each barrel of flour than is made in the old way, equal at least to fifty cents gain to the miller on each barrel manufactured, besides various other profits and advantages.

In the old way, one miller for every ten barrels manufactured per day was at least required; with these improvements, one miller for every twenty barrels is suffi-



cient, therefore for every twenty barrels manufactured per day one hand is saved.

Ellicott's mills on Gwin's Falls, two miles from Baltimore, with eight pair of seven feet mill-stones, make three hundred and twenty-five barrels per day, which divided by 20 gives  $16\frac{1}{4}$  hands saved, their wages and board rated at three hundred dollars per year each is - \$4,875

325 barrels per day, say for only two hundred days per year is, 65,000 barrels per year, which at fifty cents gain each barrel, as proved by the witnesses, is - - - - 32,500

Total gain by the use of the improvements in these mills per year - - - - 37,375

Ellicott's mills at Patapsco, make 185 barrels per day, and by the same rule of calculation, their gain by the improvements per year is - 21,275

They (Ellicotts) have other mills near Baltimore, making about two hundred and fifty barrels per day, the gain in them is - - 28,750

Total gained by the Ellicotts near Baltimore, by the use of these improvements in one year, is - - - - 87,400

They will have the benefits for the whole patent term, 14 years - - - - 1,223,600

Elisha Tyson has used the improvements for twenty-two years, making seventy barrels of flour per day, his gain has been in that time \$180,400

This shews the great value of labour-saving useful improvements, and how those gain that first begin to



use them. Although a part of the gains may have found the way to the hand of the farmer and the consumer, yet it is evident that neither of the Ellicotts would accept the above sums, stated to be yearly gained, if tendered to them to abandon the use of the improvements, and continue the milling business, as usual.

It shows also, that those who have refused to use said improvements have suffered great loss, the profits of their labours have went into the hands of those who have used them.\*

\* *From the Aurora of December 7, 1813.*

#### A PROPOSITION.

Those who are building, or have good mills, with one or more run of millstones, not less than four and a half feet diameter, with a sufficiency of water and business to run them on manufacturing flour two hundred days per year, are hereby informed, that Oliver Evans, the inventor of the improvements in the manufacture of flour, is willing to contract to pay them one hundred dollars, or more, per year, for each run of stones, for the privilege of setting his machinery to attend their mills; on condition, that they contract to pay him for the labour or work the machinery will do, instead of paying to hired men, rating the wages and boarding of the millers saved to each pair of millstones at three hundred dollars per year; and also one-eighth part of what is gained by making more superfine flour with the machinery than without them; on receipt of which he will, at the end of four years, grant his license to use them, and quit all claim.

	Dolls.
On this plan, the miller who has one pair of stones will, at 100 dollars per year for four years, receive	400
The cost of setting up his machinery, paid by Oliver Evans, say	250
Licence for one run of stones, free of cost, at the common price,	300
	<hr/>
	950

Besides, he has seven-eighths of the gain by making more superfine flour, which witnesses in court proved to be 50 cents per barrel at the least, of which his part is 43½ cents per barrel; and such a mill will make 20 barrels



Those great improvements were at first given away by the inventor, with his thanks to those who would take them gratis to shew their utility.

He now demands, as compensation, about one-eighth or one-tenth part of the sum the miller gains in one year by their use, or the sum saved in wages and board alone, in one year, for license to use them during his patent term. Perhaps there never was an instance of such low charges for so great a patented improvement.

Brought forward,	- - - - -	\$950
per day, which for 200 days per year, is 4000 barrels—		
16,000 barrels in four years, at 43½ cents, is	-	7000

Making his whole gain in four years,	- -	7950
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Without paying a cent more than he would have to pay to hired millers without the improvements, he gains 7,400 dollars, and gets his machinery set up, and license, free of cost. The inventor would also gain by this plan, as follows:

	<i>Dolls.</i>
The labour saved to a pair of such millstones, would be at the least 300 dollars per year, which for four years, is	1200
From which deduct his purchase of privilege, and cost of setting up the machinery,	650
	<hr/>
There remains for his license, for which he charges others 300 dollars,	550
But he has still his one-eighth part of the gains by making more superfine flour, on 16,000 barrels, which at six and a quarter cents, is	1000
	<hr/>
Making his total gain to be	1550

So that it appears he may afford to pay two hundred dollars per year on each pair of stones, or even to quit claim to his one-eighth part of the gain by making more flour, and pay in advance rather than not deal. He hopes, however, that such a fair proposition, founded in justice, promising so much gain to each party, will be neither neglected nor rejected; and that those who hold flour mills will consider, that these improvements do transfer all the profits of the business into the hands of those who use them, and that those who will not use them, labour without profits.



# REFLECTIONS

## ON THE

# PATENT LAW.

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**PATENT** Laws are erroneously said to be a contract between the public and the inventors of useful improvements; but as inventors have no part in the contract, but merely comply with certain conditions, it follows that the patent laws are public propositions for awarding exclusive privileges, or rather affording protection of natural right to inventors, on the following terms, viz.

If any one will invent or discover any new and useful improvement in the arts and sciences, not known and used (in the United States) before such invention or discovery, then we will protect and secure to him exclusively the right to his invention or discovery, during a term not exceeding fourteen years, in the first instance, and for any other limited time or terms that we may think his improvement merits, on condition that he pay for that protection, thirty dollars into the treasury, and disclose the secret, by a specification to be filed in the secretary



of state's office, so that after the aforesaid limited time or terms may have expired the improvement may become public property.

These terms are fair in some respects, they neither compel the inventor to disclose the secret of his discovery, nor limit the time in which he may accept the proffered protection; he may consult his own convenience, and if he thinks the proffered protection too inconsiderable or of too short duration, he may refuse to devote his time and studies to make new discoveries, or to make new improvements. He may keep secret his invention or discovery, until circumstances may occur, in which his interest may be promoted by taking out his patent. But by taking out a patent he accepts the terms, and the transaction becomes a contract mutually binding. The inventor must then, as required by the United States patent law, section 3d, act of 1793, make a full disclosure of the secret of his invention or discovery, describe the principle of his improvement and the manner of using it, in such full, clear, and exact terms, as to distinguish it from all other things known and used, (*in the United States*) so as to enable a person skilled in the art to which it is most nearly connected, to make and use the same;—and this he must do, first without drawings or letters of reference, that this specification or description may be suitable to be registered in a book in the patent office. He must also deliver drawings with explanations, with letters of reference, where the case will admit of explanations by drawings, and deliver models, if required by the secretary of state. If he con-



ceals any thing, or his specifications contain too much, which shall appear to be with design to deceive the public, his patent will be void.

But as it will be impossible, (for the inventor will in many instances, be incapable to describe his improvement as required by this act,) his patent on that account shall not surely be declared void; and though he may not be able to recover under it, in cases where, by his description, it could not be ascertained what his invention really was, and therefore infringements could neither be guarded against, avoided, nor detected, until he, by additional specifications, models, or actual operations, does on his part comply with the law, which, when done, will entitle him to the protection promised. If the public, by granting him an invalid patent, be in fault, he is entitled to a good one, for the full term promised. And unquestionably the patent office will always be open to receive such additional specifications, as may be found necessary.

The law requires also, that he shall describe the principle of his improvement, or the characteristic mark which distinguishes it from all other things known or used (*in the United States*) and all the various modes in which he contemplates the application and use of that principle or character. It does not require that he should describe all possible modes of the application of the principle; but only such modes as will produce the effect described, or the result of his improvement. Such modes as he shall describe in order to have them secured to him, with the principle, will exclusively be secured to



him, and no more. And if he does describe the principle, and only one mode of application to produce the result, the principle exclusively is secured to him, and no other person can use the principle by any mode of application, to produce the same result, without his license. The way is left open for further improvements in the application of the principle. He that discovers any better mode of application than any described by the patentee, is entitled to a patent for that mode.

It is provided, section 2d of the act of 1793, " That if any person shall discover an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make use or vend the original discovery, nor shall the first inventor be at liberty to use the improvement. " And it is hereby enacted and declared, that simply changing the forms or proportions of any machine or composition of matter, in any degree, shall not be deemed a discovery." Why not, while section first declares, that the inventor of any new and useful improvement in any art, machine, manufacture, &c. is entitled to a patent? Because here, the original discovery is supposed to be under patent, and the public *bound by contract* to secure it to the inventor, and the limited times unexpired. The provision is expressly for the protection of the right of the original inventor to his discovery, during his patent terms. And no patent, for change of form or proportions, can be sustained, until the patent terms for the original disco-



very expire, and such ought not to be granted, because it may create litigation.

A patent for an improvement in the principle of a patented improvement, can be sustained, and ought to be granted. Such as a new and improved mode of the application of the principle, to produce the same result with greater despatch or less expense, &c. &c. But it would be subject to the prior right of the original inventor, for "he (the discoverer of an improvement) shall not be at liberty to use the original discovery; nor shall the first inventor be at liberty to use the improvement." It then evidently becomes the interest of the inventor and the improver to unite their discoveries, which would render their improvements more valuable to themselves, and useful to the public.

Both parties cannot hold exclusive right to the same thing at the same time; nor have congress the power to grant any right to one that will lessen the right of another. They have power only to protect and secure right, for limited times, to any length and number the case may require.

This section, while it secures the original discovery to the inventor, affords encouragement for improvements in the principle, and security to the improver. Without this provision, no patent would be worth the expense of obtaining; every right could be evaded, by change of form or proportion, or pretended improvements in the principle; for no machine was ever made to produce an effect that could not be produced by a machine of a different form, nor effect or result pro-



duced by one arrangement or process, that could not be produced by another arrangement or process, somewhat different.

What is the original discovery in a new and useful improvement in any art, machine, manufacture, or composition of matter? It is the new and useful effect or result produced, or the characteristic principles of the machine, and may consist in

1. The discovery of the application of a new principle, by means of old and known machines, to produce a new and useful result. In this case the application of the principle and result will be secured.

2. The discovery of a new machine to produce a known effect or result, with less labour or expense. In this case the patent will be for the machine.

3. The discovery of a new combination of known machines, to produce a new and useful result. In this case the combination will be secured by patent, as well as the new result.

4. The application of known principles to produce a new and useful result. In this case the result will be secured.

5. The discovery of the application of a known machine, to a new use. Here the new application will be secured, if it be useful, by producing the effect with less labour or expense.

6. The discovery of an improvement on a known machine, to fit it for applying to a new use, to produce a useful result. Here the improvement and new application will be secured.



7. The discovery of a new and useful improvement in the process of any art or manufacture, although on experiment no means may be yet known, by which this improvement may be carried into effect with profit to the manufacturer. Here the improvement in the process will be secured, although the use can hardly be ascertained.

8. The discovery of a new machine that was necessary to carry a new process into effect that had been discovered by another. Here the machine is the discovery, and will be secured for all purposes to which it will apply.

9. The discovery of a new and improved process in any art or manufacture, and also a set of machines, some improved, others entirely new, and their combination, to carry the improved process into effect to produce a new and useful result. In this case the new improved process, and the new result is the discovery, and will be secured; also the improved and new machines are discoveries, and will be secured for all the uses to which they will apply.

10. The discovery of the application of a known power or principle to a new and useful purpose, or the extension of the application to move a known machine with greater force, by the discovery of a new and improved form of the machine, rendering it susceptible of the new or extended application, so as to produce a greater effect, or new or more useful result, or at a less expense. In this case the original discovery consists in the new or extended application, and in the change of or improved



form of the machine, both will be secured either jointly or separately.

11. The discovery of an unknown principle, applicable to useful purposes without discovering the means of profitable application. Here the principle discovered will be secured by our laws, differing from British.

12. The discovery of the means of profitably applying a useful principle, discovered by another, to a useful purpose. Here the means of application will be secured, subject to the prior right of the discoverer of the principle.

13. The discovery of an improvement in the mode or means of the application of a principle. Here the improved mode will be secured, subject to the prior right of the discoverer of the principle, also to the first discoverer of the means of application; for no prior right shall be *destroyed or lessened* by a subsequent grant of protection.

14. The discovery of an unknown plant and its uses. Here the plant will be secured, and all the uses that are specified by the patentee.

15. The discovery of new uses of a known plant. Here the new uses will be secured, subject to the prior right of the discoverer of the plant, during the patent term.

The cases are too numerous to be enumerated. Every inventor or discoverer is entitled to an exclusive right to his own invention or discovery, and no prior right can be *lessened or destroyed* by a subsequent invention or discovery of improvement on the same thing. But a patent right may be lessened in value by a new disco-



very; as for instance, a patent for the use of oars to propel boats would have been valuable until sails were invented; yet the right to the oars would have remained entire. But had the discoverer of the oars invented boats also, and patented them, the sails could not be used with the boats without his license, neither could he use the sails to his boats without the license of the inventor of sails.

It is not the machine discovered that constitutes the original discovery; but the principle of the machine, or the useful result of the whole invention. The result required is first sought after, and when conceived, a search for machines or the means necessary to produce it, is commenced. Sometimes they are to be found in use for other purposes; at others they must be invented for the express purpose, and many of different forms may be made to produce the result.

The result or improvement then constitutes the original discovery in most cases, and the original discovery in all cases is secured to the original discoverer.

What ideas then do the terms invention or discovery, inventor or discoverer, as used in the patent law, convey? They certainly are not synonymous, for may not a thing be discovered without invention? Certainly it can; a plant unknown may be discovered, or a new use of a known plant, by diligence and search, without invention. A new and useful principle or law in nature may, by expensive and laborious researches or experiments, be discovered, though the aid of invention may be necessary to apply them to useful purposes. A man



may travel over Europe, Asia and Africa at great expense, on purpose to discover what improvements are in use there, not known or used in the United States, and in case he introduces any of them for the benefit of his country, did neither the framers of the constitution nor congress, contemplate a reward for such expensive and patriotic labours to promote the welfare of his fellow citizens? Certainly they did intend to secure to the discoverers of things new and useful, *in the United States*, the exclusive right to their respective discoveries, for limited times.

The constitution of the United States does not delegate to congress the right, nor if it did, has it the power to legislate beyond its territories; therefore their acts can only take effect within the limits of *the United States and its territories*.

Congress have power to promote science and the useful arts, by securing to authors and inventors the exclusive right to their respective writings or discoveries.

Had the power been given to grant rights, they might have granted monopolies. They can, however, only secure inherent rights, for limited times, renewable at their pleasure.

Congress have passed laws "To promote science, and the progress of the useful arts;" therefore no part of these laws can be construed to impede their progress, nor can their laws have effect beyond the limits of their territories. Therefore the words *not known or used before*, must mean in, and apply to, the *United States and Territories*, and not to China or Tartary. For it is no



benefit to the United States, no improvement in the arts here, for a thing to be known and used in any other country.

And in section 6th of the same act these words, "or had been described in some *public work*," must mean a public work in the *United States or Territories*, such as the patentee might have got his improvement from, and which any other person might have done as well as he, without any claim to the merit of an invention. For it is to be presumed, that if the work be public, many at the same time most probably would be engaged taking the thing from it for their own use. It cannot mean a public work in China or Tartary, or any other country, nor any book in any foreign language even in this country, for it is not a public work here.

To make a work public within the meaning of the law, it should be printed and published in the United States, or written and filed in some public office of the United States, designated by law, before it can be said that its contents can be supposed to have been known to the patentee. A specification of an improvement filed in the patent office is unquestionably a public work in this country, within the meaning of the law, and will secure the right to the original inventor.

If, after an inventor has by the most ardent study and indefatigable industry, invented, and got into useful operation at a great expense, an improvement *not known or used in the United States*, others seeing the benefits, and coveting the use of it, but unwilling to make any reasonable compensation, shall have the right to search all



the books, in all languages in the world, for a description of the thing, to render the patent right null and void. If this be a fair construction of the patent laws, then it may be fairly inferred, that congress intended to impede the progress of the useful arts, and that they sanction injustice, *which would be absurd*; for although the thing may have been described in a book, it may never have been tested by experiment, or applied to practical utility.

Those provisions are to be construed favourably to the improvers of the arts, considering that their rights are unprotected, excepting for limited times, at the pleasure of congress. Otherwise they would have an effect contrary to the true intent of the act, which will bear no other construction than to mean, "not known or used before" in *the United States*, or "had been described in some public work" published in *the United States*.

By the act of 1793, a citizen of the United States is entitled to a patent for his invention or discovery of any new and useful improvement, on any art, machine, manufacture, &c. He is unlimited in his range to make the discovery; he may, it seems, invent it in this or any other country, or discover it by travel, and if it prove to be new and useful in *the United States*, his patent will be good by a fair construction of the law.

But the alien is limited to his own invention. By the proviso in the first section of the act of 1800, "he shall swear, or affirm, that to the best of his knowledge or belief, his invention or discovery hath not been known or used in this or any other country," and if it proves to



have been known or used, his patent is void. The reason why this distinction is made, is evident. The citizen is encouraged to travel to make discoveries, by a promise of protection in the exclusive right to his discoveries, for limited times, as a reward for his labour and expense in introducing new and useful improvements into the United States. Whereas one alien can have no better claim than any other, who may bring the same thing with them into the United States, and which is attended with little expense to them. It would, however, probably have been better policy to have extended the same privileges to aliens as fully as to citizens, which would have brought not only the arts, but the artizans, and all improvements from the different parts of the world, into the United States in a much shorter time, as was undoubtedly the intention of congress in passing the original act of 1793.

Section 2d of the act of 1800 provides, "that when the inventor or discoverer of any new and useful improvement shall die before he obtains a patent, the right of applying for, and obtaining such patent, shall devolve on his heir or legal representatives."

On the whole view, it appears clearly, that if an inventor is not able to put his improvement into operation at his own expense, nor to obtain aid from others to do it, that he may secure his right to himself or his heirs, of taking out a patent, when it may appear to be for their interest, by specifying his invention according to law, and filing it in the patent office, where it will then be a public work, ready to render void any patent that



might surreptitiously be obtained for his invention. He may then publish his specification describing his improvement, and hold out inducements to others to associate with him, to apply his improvement to practical utility; and he or his heirs (in case of his death) may take a patent when it may appear to be worthy their expense or attention.

The states, in their individual capacity, retain the supreme power of securing to an inventor or discoverer, his heirs, or assigns, &c. the exclusive right to their improvements for ever, (if they choose to do *perfect justice*). Their having delegated to congress the power to protect right, for limited times in the United States, does not at all lessen their sovereign power to grant what protection they may think the improvement merits; or any other aid or encouragement the inventor may need to put his improvement into useful operation, without interference with the laws of the United States. A state may even grant a monopoly of an invention and improvement to any one who is not the inventor, to induce him to put it in operation, provided they do not by this grant, divest any person of a vested or inherent right; for there can exist no power in our free country, to divest any one of his vested right.

It appears then, that when an inventor cannot succeed to get his improvement in operation with profit to himself, under the protection afforded by the United States, that he may, (with hopes of success), apply to the individual state which his improvement will be most likely



to benefit, for such protection, aid and assistance, as he may need.

Section 3d, act of 1800, fixes the penalty for breach or infringement of patent right, at three times the actual damages sustained by the patentee.

The jury, in assessing the actual damages, ought to take into consideration the value of the improvement, during the time of infringement, the time lost to the patentee, and the expense of sustaining and attending law suits, the stoppage of sales, or the collections of monies due from others for said improvement, &c. &c. But they have no authority, jurisdiction or right, to consider whether this penalty be too high or too low; that would be assuming the prerogative of legislation. The province of the jury is to ascertain the actual damages sustained by the patentee, and leave the law to take its course.

Those who are inimical to patent rights, and wish to oppose them, call them monopolies, to make them odious to the people. This is a mere perversion of the term. A monopoly deprives the people of the use or benefit of something that they have possessed or used in their own, or common right, before the grant. But they cannot have possessed or used in their own, or common right, any thing that never did exist, or was unknown to them. A patent right can be good only for things that are new and useful, that never existed, or were never known or used, *in the United States or Territories*, until they were invented or discovered by the patentee. Our patent laws preclude monopolies: congress cannot



grant a monopoly: a patent right cannot be a monopoly; prove it to be such, and it is void by law. A patent is a protection of an *inherent right* for a limited time, and no good reason can be assigned why the term should be limited to fourteen years only. The odious term monopoly should be expunged from our vocabulary.

In England, patents are granted for fourteen years only in the first grant; but if it shall appear that the inventor will not be sufficiently remunerated, nor able to extend his improvement in so short a term, he may, and in many instances does, petition parliament long before his term expires, for a special act, granting their protection for another term, to enable him to make his arrangements proportionable to the terms that may be granted to carry his improvements extensively into useful operation; which grant they so seldom refuse to make, that he can rely on it as a thing of course. The second term granted has been various, from seven to fourteen, fifteen, eighteen, twenty-one, twenty-five and thirty-one years, according to circumstances.

These acts are deemed private acts of parliament, and are not published unless the acts themselves declare them to be public acts; in that case they are published with the statutes at large, at the public expense.

The courts in England have held, that damages will not lie for infringement of private acts, until after notice of them be given. The reason is evident: no person can be bound to know an act until it be published. Whereas all are bound to know a public act, because it has been published at the public expense.



It is otherwise in the United States; congress direct all their acts, private as well as public, to be published, at the public expense. Therefore the same cause for giving notice of private acts cannot exist here that does in England.

Thus it appears, that no one can plead ignorance of a private act of congress, any more than of a public act. For if they can plead ignorance of one act, after it has been published at the public expense, according to law and usage, they may, on the same grounds, plead ignorance of every other act of congress so published.

The patent laws afford sufficient protection to the inventor for and during his patent term. Extend the term sufficiently, and no complaint ought to be made of the law; the patentee need not wish a better.

The writer of these Reflections thinks it his duty to inform the reader, that he holds patents himself, and is not learned in the laws. These Reflections were sketched for his own use. He consents that they may be published, hoping they may give some useful information to inventors and patentees, and perhaps draw the attention of some able hand, in whose opinions confidence may be placed, to explain those laws, which have hitherto been but little understood, especially by those who are inimical to patent rights, and wantonly infringe them; who, for want of a proper knowledge, will risk the consequences.



# ANECDOTES.

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## ANECDOTE I.

AN ingenious artist invented an improved printing press, which excels all others perhaps in the world in several respects. With less than half the manual force, this press will press a double sized sheet at one pull. It is well known, that the extreme exertion necessary to work the presses commonly used, breaks the constitution of the pressmen, and shortens the lives of many of them; few are able to stand the work many years.

Prudence prevented the inventor from taking out his patent, and he has, with his restricted means, been full fourteen years at work to perfect his improvement, striving to improve on every one that he has made. The public know little or nothing of this press; it has received no benefit from the discovery; its use has been restricted to a few individuals, who were capable of discerning its excellence; and many pressmen have died from the injury they have received from working the old presses, whose lives might have been prolonged by the use of the improved one.

Had the inventor taken out his patent for the improvement when he discovered it, his patent would have al-



ready expired, and his labours would have been entirely lost to himself or heirs.

The secret remains within the circle of his confidential friends. There is not another man instructed or capable of making a perfect press on his plan in the world. There is no written description nor drawing of it in existence. Thus does the short term of fourteen years operate on the minds of prudent men. Those who take patents as soon as they make discoveries, lose their labour, and are reduced to poverty. Hence, as soon as a man is known to have made a useful discovery, he is, in the public estimation, entered on the road to ruin, and no longer fit to be credited.

#### ANECDOTE II.

The same artist, about fourteen years ago, invented a ship's pump, on such principles and structure as not to be subject to choke, and to be varied from the power of one man to that of twenty or thirty to work it, and raise water proportionable to the power applied to it. He exhibited its operations to Thomas M'Kean, Esq. then governor of the state of Pennsylvania, Commodore Barry, and a number of others, who saw it bring up eighteen pound cannon balls from the bottom of a well, repeatedly. This pump he could not get introduced into the navy of the United States, as he expected; but when the permanent bridge was building across the Schuylkill, at Market street, Philadelphia, great difficulties occurred in emptying the coffer dams to found the piers. The



leaks which they could not stop, proved too powerful for all the machinery that was known. Recourse was then had to this pump, with which they succeeded to empty the dams so as to get the piers founded.

The honourable Judge Peters, who was president of the board of directors for building, has often said and will certify, that it is his opinion, that without the aid of this pump they could not have succeeded; for it raised mud with the water, and even small stones, more expeditiously, and with less labour than it could be done by any other means. Yet not one of these pumps are in use, nor a model, drawing, nor written description of the invention existing; the thing is in the way of being lost, although so valuable is the discovery, that if adopted in war or merchant ships, it might be the means of saving much property and many lives from being lost.

### ANECDOTE III.

The captain of a ship was delivering from on board his vessel a sum of money; a bag of one thousand dollars was let fall, which, striking on the top of a post of the wharf, split and fell into the water thirty feet deep; the bag was grappled up, which still contained three hundred dollars. He then offered one half of all that any person could recover, and every known means were tried, by which a few dollars were recovered and the rest given up as lost. Mr. George Clymer accidentally passing, was made acquainted with the circumstance. He, in about four hours, made a temporary machine,



with which at the two first scrapes on the bottom, he brought up sixty-four dollars, and in a few hours recovered about four hundred and fifty, leaving but about sixty dollars of the one thousand first dropped.

This machine he improved on, so as with it he cleaned out wells with greater expedition than it could be done in the common way, without descending to fill the buckets. This improved machine he offered to the commissioners of the city of Philadelphia for the purpose, but they would not use it, nor try its utility.

At the same time he proposed to them to furnish, at his own expense, the necessary machinery to enable well-diggers to sink wells to a second vein of pure water, and to shut out the upper contaminated veins in cities. This proposal was also rejected. He complained to the mayor of the city, Hillary Baker, Esq. who sent for some of them, and directed the experiment to be made; but he (the mayor) died soon after, and neither of the experiments were made. No model, drawing, or description of these machines are in existence; although it appears highly probable that pure water may be obtained in this way, in the oldest cities.

#### ANECDOTE IV.

Mr. Whitney, who invented the cotton gin, which has tripled the value of every cotton plantation in the United States, was so harassed at law, that he was obliged to let suits lay until he could, by his private business, raise money to carry them on. Thus his whole patent



term was exhausted in law suits, while his rights were infringed; and he has not gained half so much by his invention, as many individuals who have infringed his rights have gained by using his machine. Yet when he applied for another patent term, congress did not grant it, (although they have not yet refused it,) owing, as is thought, to the misrepresentations of Elisha Tyson, respecting the improvements of flour mills at the time, and the memorial of the cypher-mongers. By these means the country has lost the further produce of the talents of this great inventive genius; he retires from such studies to pursue his private interest; his talents will enable him to live independent, although he has lost the prime of his life, and might have had acquired as much property seven years ago, as he will be able to acquire in seven years to come. Such frauds have disgusted every inventive genius endowed with prudence, whose services are more necessary in times of war. A nation which cultivates science and arts in war, will conquer one that relies on bravery alone.

#### ANECDOTE V.

An inventor who has made many useful discoveries, by the use of which hundreds have made themselves rich, and if all his inventions be put in operation, thousands will enrich themselves, expended so much of his labour, money and time on those improvements which he has got in use, and others which he has specified in the patent office, (but which will never be put in operation by



him under the present discouraging patent term,) kept himself so poor until he arrived at the age of fifty-one years, that he owned no visible property; until at that age he renounced all such studies, and applied all his mental abilities to promote his own private interest; and in four years, without stock to begin business with, he, with the same talents which, while employed for the public benefit, had kept him poor, notwithstanding his indefatigable industry and economy, acquired property to make him independent, and established himself in a settled and steady business. Yet is he, by the very men who have grown rich by the use of his improvements, more belied and persecuted, than the devil himself would be by them, had they him under their direction and within their power. But alas, the very reverse is the case with him and them. Is it right men capable of enriching themselves in a short time by attending to their private interest, should be kept in poverty, insulted, persecuted, despised and trampled on by the most ignorant and wicked part of the community, while they employ their talents for the public benefit? If so, they who choose may be inventors, but the writer thinks the devil, the rantipoles or cypher-mongers, will share the profits.

#### ANECDOTE VI.

The first machine that Mr. Evans set in motion, to put in operation the improvement which he had conceived in the manufacture of flour, was the hopper-boy;



in the construction of which he met great difficulties in making it perform all the different operations of first spreading the meal over the floor, stirring it continually to cool it, and then to gather it together and attend the bolting hoppers, all by the same operation, and also to accommodate itself to any quantity of meal which might be within its reach, which at first view appears to be really impossible; and it is truly astonishing that such an idea was ever conceived, and by perseverance carried into effect by a machine so simple as it now is. He apprehended great difficulties in arranging and carrying into effect the whole improvement, and conceived that it was nothing more than justice that the rich millers in the vicinity should bear the whole expense of carrying the improvement into operation, which had cost him such intense study.

He therefore drew up a written statement, that he had at great expense of study and time discovered the means of applying the power that drives the mill, to receive the grain from the waggon, or ship, &c. and to elevate and convey it, &c. until it should be placed over the mill stones to be ground, and then to elevate the meal as ground to fall on the meal loft, there to spread, stir and cool it, and attend the bolting hoppers; in short, to perform the whole operations, until it be completely manufactured into superfine flour ready for packing. But that the expense was too much for him alone to bear, he therefore solicited their subscriptions, stating that as soon as a sum sufficient should be subscribed, he would commence the work, and the subscribers



should be entitled to use the improvement. This paper was shown to the Brandywine millers, and they enquired who Oliver Evans was: they were informed that he was the same young man who had produced the celebrated improvements in making wool and cotton cards, and could no doubt perform all that he had stated. Was he bred a miller? No. Then, they replied, it is impossible that a man not bred a miller, should make any improvement on the milling business; asserting that the art had already arrived to its utmost degree of perfection at Brandywine, and no one would subscribe a cent.

When this was reported to Mr. Evans it incensed him, and he went and divulged his discovery to James Latimer, Esq. explaining the principles to him as well as he could. The old gentleman probably caught the idea of puppets to attend the bolting hoppers, for he exclaimed, "Oliver, you cannot make water run up hill, neither can you make boys without the help of women." This gave the machine the name of hopper-boy.

But on being assured that the machine to attend the bolts was already made and in operation, and did perform its part better than any man or boy could possibly do, and that application had been made to the Brandywine millers to bear a part of the expense, as it was too great for him to bear, for their benefit more than his own,—the old gentleman began to listen with attention; and George Latimer, Esq. his son, being present, who at that time was a member of the legislature of Delaware state, advised Mr. Evans to petition the different state legislatures to secure to him the exclusive right to make



and use his improvements, observing, "then if the millers will use your improvements, you can charge them what you please." Mr. Evans then observed, that if the governments would purchase the *sumum* of his inventions, meaning his improvements in making cotton and wool cards, steam carriages, steam boats, and consequently steam mills, with the improvements in the manufacture of flour, and in cleaning rice, and then sell the right or license to use them, to the people, they would afford a certain source of revenue, even sufficient to discharge the national debt which had been contracted during the revolutionary war. But he never entertained an opinion that the legislatures would undertake it.\*

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\* The time that has already elapsed, shows that Mr. Evans's vast conceptions of the importance of the improvements he had projected as early as 1786, and which are only a proportion of what he has discovered, were founded on correct and profound *data*.

He saw, and unhesitatingly declared, that steam waggons and steam boats, would at some future period be successfully employed. True, his light and powerful engines has not been thus applied; but those that are incomparably less powerful and more weighty, has confirmed his predictions in the eyes of the world, as relates to boats.

If all these improvements were put fully into operation, judging from the few that have been, it is evident that the amounts the people would freely pay annually for license to use, rather than do without them, would come to millions annually, and exceed the amount of the national debt, and produce a perpetual liquidation of the governmental expenses, without a necessity of resorting to any other species of taxation. And



This advice was followed, it being prior to the federal compact and the existence of our patent laws. Mr. Evans went home, took down his hopper-boy, and secreted his model of the elevator, and endeavoured to

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And we are convinced, that should the government of the United States adopt the measure, rendering aid to produce, and purchasing up useful inventions, it would soon produce a revenue which would not only relieve the people from taxation, but make the government the richest in the world. No person would then fear to die, or refuse to buy a license before the term expired, but would purchase when in need of one. Thus the inventive genius could be constantly prompted to action, and new discoveries and inventions would continue to increase, to benefit the country, both in a moral and political view.

The profits of the cotton gin would defray the expences of the government of a state of cotton planters.

The late improvements on the plough, that of a state of farmers.

The improvements on cleaning rice, that of a state of rice planters.

Those in the manufacture of flour, would do the same for a state of millers. See Mr. Evans's offer, page 130.

Those in the steam engine for a state of manufacturers.

If those improvements which have originated from different sources, would be productive to individual associations, they must become equally or more so when aggregated.

Notwithstanding, inventors of useful improvements are looked upon as a burden to society, and more hated and persecuted, (in proportion to the importance of their improvements) by the invidious, ignorant and wicked, than any other class. Would there not be more secret rejoicings from the death of one of them, amongst those who covet the free use of their improve-



keep his discovery a secret until he should obtain from the states the exclusive right; but too many had already seen it in operation; it was too late to make a secret of it. Thus originated his application for exclusive right.

#### ANECDOTE VII.

When Mr. Evans got his improvements in full operation, so that he could attend his mill himself both day and night, with less fatigue than he could before with the assistance of two men and a boy, making and packing every day more than twenty barrels of flour, frequent applications were made to the Brandywine millers to come and see the improvements in operation, that they might be convinced of their utility; and it so happened, that on a day that Mr. Evans had, without assistance, both to attend his mill and make the hay of a clover lot near the mill, he espied two Brandywine millers coming towards the mill: he turned his back towards them, that they might think he did not see them, thinking it best to let them go into the mill, and

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ments, than would be if the greatest enemy of the United States had been slain in battle? /

If these be facts, (which we sincerely believe), how much does it behove the wise, just and good, who generally hold the reins of government in this country, fill the different departments, make and execute laws, &c., to guard and protect the rights of inventors of useful improvements.—ED.



finding no one there, and it attending itself, while the miller made the hay, would be convincing and positive proof of the utility of the improvement. They went in and found it so; all the operations of cleaning, grinding and bolting going on, attended by the machinery better than it is possible for human hand to do; and in about half an hour they came out to Mr. Evans where he was making hay, requesting him to come into the mill and explain the whole of the operations, which he willingly agreed to, but took care to inform them that it was an uncommon busy day with him, for he had both to attend the mill and make the hay. After explaining the whole to them, on parting he went directly to the lot, leaving the mill to attend itself, and rejoicing at the lucky circumstances, never doubting but they were now fully convinced.

But to his astonishment, he soon heard that on their return they had reported to their neighbouring millers, that the whole contrivance was a set of rattle-traps, not worthy the attention of men of common sense; which fixed more firmly the opposition of all the rest to the adoption of the improvement.

#### ANECDOTE VIII.

Before Mr. Evans's improvements were made public, the Brandywine millers and others generally believed, and frequently said, that the manufacture of flour had arrived to its greatest perfection, and no improvement could be made on the art. When he got his



improvements in complete operation, he dressed the mill-stones in the best order, and grinding good wheat, took fair samples of every species of flour as it fell through the bolting cloth, viz. superfine, middlings and ship stuff cloths; of tale or common flour there was none, as it was all returned to be bolted over, to make superfine flour, by the machinery as the work went on. These samples he took to Philadelphia, and met a number of the Wissahickonk millers at the coffee-house, all of whom were entire strangers to him: he desired them to assemble round a table, that he had something to show them, and showed the sample of superfine flour. They all agreed it was of the best quality. Then what passed through the middlings cloth, which they called ship stuff, too poor for any kind of ship bread. This was the next quality to the superfine. What passed through the ship stuff cloth, they pronounced to be nothing but the fine skin of the grain, without any flour in it. He then informed them that he had a mill which manufactured to that degree of perfection at a single operation, without manual labour in the attendance. They seemed to give no credit to the assertion, but ridiculed it, and John Livesly exclaimed, "if he will teach me to do so, I will give him one hundred pounds per year." Charles Shoemaker said, "if he will learn me to do so, I will give him one hundred dollars per year." They had no belief that it was possible. George Latimer, Esq. happening that instant to come in, informed them that he knew Mr. Evans well, and if he would assert it he would believe it. This silenced them and engaged their atten-



tion, and John Livesly agreed that he would go and see the mill.

Some days after, Livesly and his mill-wright, Titus Yerkes, came, and Mr. Evans gave Yerkes a written license to erect elevators, conveyors and hopper-boys for those who should employ him, explaining to him the conveyor, which he had set up in two mills, but had not yet patented it, stating in confidence that it would elevate both grain and meal at an angle of about forty-five degrees, but not so well as the elevator.

After they had gone, Yerkes pretended that he had invented the conveyor, to elevate, and John Livesly had it set up in his mill, and several others preferred it instead of the elevator, for which they would pay nothing to Evans, as Yerkes had invented it; but they found that it would not answer the purpose as well as the elevator, as it rolled the meal into little balls, so that it would not bolt. Evans, however, having luckily kept a copy of the license which he granted Yerkes, in which the conveyor was mentioned, produced it to the millers to prove that he had instructed Yerkes how to make the conveyor. Yet notwithstanding all this, John Livesly continues publicly to declare, that he himself invented the conveyor, and that Oliver Evans came to his mill and saw it, and then went and took a patent for it.

Now had the conspirators known this, their agent or leader, Elisha, might have summoned Livesly and Yerkes into court, to prove that each of them was the original inventor of the conveyor; and surely to have had three original inventors for the same thing, would



have proved more than one did prove. The fact is, that they might have produced several such inventors from each state for each and every machine that Evans ever patented.

#### ANECDOTE IX.

Isaac Garretson, an ingenious young man, bred in the western parts of Pennsylvania, and who had never seen a vessel with sails, came to Wilmington, Delaware, and connected himself with Job Hervey to set up a machine to cut and head nails by water, which he had invented. When the machine was nearly ready for operation, he applied for a patent for it, when he found that Hervey had applied before him; and according to the provisions of the patent laws, referees were appointed and the case referred to them, who decided against Hervey, who appealed to the district court, where the cause went against him also. This Hervey is one who has claimed the right to use elevators, conveyors, &c. on the ground of having invented them.

Mr. Garretson, in passing from Wilmington to Philadelphia by water, observing that the wind heeled the vessel and frightened some of the passengers, set his mind to discover a mode of setting sails that would by the force of the wind, tend to keep the mast perpendicular; and made two models, one rigged on the old plan, the other on his new plan, which, when tested by a blast from bellows, the one on the old plan would overset,



while the other would skip on the water, keeping its masts perpendicular.

Mr. Evans communicated to him a plan he had conceived, on which canvas boats might be made and filled with air by bellows, which would be useful in passing rivers in unsettled countries, or for use of light troops. This principle or plan, Mr. Garretson applied to his boat, and conceived that he had discovered a method by which ships might be built that would not overset by the wind, nor sink in extraordinary cases of a leak, for which he took out a patent.

He then solicited subscriptions from merchants in Philadelphia, but finding none willing to subscribe any thing towards trying the experiment, he applied to Mr. Evans, who lent him two hundred dollars, with which he built the model of a ship 25 feet in length, purposely to test the principles. This was in 1797, and the yellow fever breaking out, he removed his model to Wilmington, D. where he intended to rig it on his new plan. But his money being expended, and being in want of fifty dollars to finish it, which he could not procure by any means,—tired and disgusted, he gave up his boat to his security to pay the borrowed money, and abandoned his great and important discovery. There can remain no doubt with any one capable of understanding the principles by him specified in the patent office, but that ships may be so constructed and equipped, that in case of springing a leak at sea, they might be saved, where it would be impossible to save them by any other known means. On his principles a ship may be kept afloat even



by the labour of one man, at a time while one thousand men could not keep it afloat by pumps, and many lives and much property might be saved. These principles have been exhibited in part to sundry members of congress in the session of 1808, and we think that the invention is worthy of an experiment. But the patent term of fourteen years will not produce it.

#### ANECDOTE X.

The inventor having prepared a plate and printed descriptions of his improvements in the manufacture of flour, distributed them into different parts of the United States to be set up in public places. Some time after, one of his brothers travelling to disseminate the improvement, put up at a tavern where one of these plates was set up; he observed a number of Germans looking at it, when one of them exclaimed, "Now dis mus peen sum tampt lazy fellor do mak dem gondrivers; quite too lazy do work," which was confirmed by a hearty laugh. At another time, a German falling into conversation with the inventor at a public place, and not knowing him, informed him amongst other things, "that a grazzy man coms py our millers; he tinks dat he gut mak wootten millers."

Although the Germans in general were so very slow in adopting the improvements, that the first fourteen years passed away before they could be convinced of their utility; yet, when they perceived that it saved expense, and that their utility was fully established, they



adopted the use of them as generally as any other people, and have been the most free and just in paying for their use. They are now frequently heard to declare that the elevators and hopperboys are better than a miller, and they will shame a man who refuses to pay for them, giving their opinion that the inventor ought to be paid for his trouble.

#### ANECDOTE XI.

When Mr. Evans petitioned the legislature of Pennsylvania for the exclusive right to his improvements in making wool and cotton cards, in steam carriages, and in the manufacture of flour, the committee to whom his petition was referred, conceived him to be crazy, because he said he could make steam waggons, and would pay no attention at all to it, notwithstanding the utmost efforts of George Latimer, Esq. who waited on them to convince them that all his inventions were worthy their attention. But as they could understand the elevators and hopperboy, &c. they made a favourable report of that part; but rejected his steam carriages as visionary; his card machines, because they had got into use, and a machine for rubbing grain, cleaning clover seed, &c, because the people had the use of a mill for shelling spelce. Neither of these have got into use yet, excepting the rubbing of grain in Mr. Evans's own mill in Pittsburg; which machine, when applied in conjunction with the elevators, conveyors, &c. to rice mills, will probably produce as great an improvement in cleaning



rice, as has been made in the manufacture of flour: Mr. Evans having already made experiments on rice, which succeeded to equal his most sanguine expectations; yet notwithstanding, it has laid dormant twenty-seven years already,—the patent term will not produce it.

In the year 1803, while Mr. Evans was exhibiting his little steam engine, driving twelve saws, cutting stone at the rate of one hundred and twenty feet in twelve hours, in Philadelphia, he discovered the chairman of the above mentioned committee in the crowd of spectators, viewing the powerful operations with evident marks of astonishment, and he thus addressed him, "Sir, this steam engine goes on the principles with which I had intended to propel my steam carriages when I petitioned the legislature in 1786 or 7, and which I endeavoured to explain to the committee. If you had granted me then the exclusive right for twenty-five years, it might have been driving waggons, boats and mills many years ago." His reply was, "To tell truth, Mr. Evans, we thought you were deranged when you spoke of making steam waggons." The gentleman regretted exceedingly that the prayer of the petition had not been granted; a plain and convincing proof of the bad policy of too short patent terms. Twenty-five or thirty years might have produced steam boats in Pennsylvania and many years sooner, as well as it has in New York.



## ANECDOTE XII.

Mr. Evans constructed for the Board of Health, Philadelphia, in 1804, at the corner of Ninth and Market streets, a machine for cleaning docks. It consisted of a heavy flat, with machinery to be wrought by a steam engine, the cylinder of which was only five inches diameter, stroke of piston nineteen inches; the weight of the whole, complete, was equal to that of two hundred barrels of flour. This he conceived to be a fine opportunity to convince the public that his steam engines would propel both carriages and boats. He, at the expense of two hundred and fifty dollars to try the experiment, made wheels and other temporary machinery, with wooden axles, to apply the power of this little engine, with which he propelled this great weight up Market street, and round the circle where the water works are set, and onward into the Schuylkill, about a mile and a half. He then applied a paddle wheel, in a temporary manner, and propelled it down the Schuylkill, and up the Delaware to the city, a distance of sixteen miles, leaving all the vessels that were under sail at least half way, (the wind being a-head,) in the presence of thousands of spectators, which he supposed would have convinced them of the practicability of both steam carriages and steam boats. But in this he was sadly disappointed, for they made no allowance for the disproportion of the engine to its great load, nor for the temporary manner in which the machinery was fixed, nor the great friction, ill form of the boat, &c.; but supposed that it was the utmost he could do. Had he been



patronised as Mr. Fulton was by the state of New York, with the exclusive right for thirty years, and by a Mr. Livingston with thirty thousand dollars to make the experiment, he might have showed steam boats in full operation long before Mr. Fulton began, as his first boat was finished in 1807, twenty years after Mr. Evans petitioned the legislature of Pennsylvania, and three years after the above mentioned experiment. During the experiment, some wags exultingly ridiculed it, saying, "it went quite too slow ever to be of any use for carriages;" to which Mr. Evans replied, "If you will, amongst the jockeys, make up a purse of three thousand dollars, I will make a steam carriage that shall outrun the swiftest horse you can produce, on a smooth, level, hard bottom, such as I will select.\*"

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\* Mr. Evans makes no pretensions to exclusive right to steam boats, although he believes that he was the first in the United States who conceived the practicability of propelling both carriages and boats by steam. Yet Fitch, Rumsey, and others, were engaged making steam boats as early as 1784, 5, 6 and 7, and succeeded to make them run perhaps as fast as Fulton has yet done. But at that time the profits did not so well support the expense, where they were tried, so they were abandoned. Rumsey went to England to introduce them there, and died. Fitch went to introduce them on the western waters, and died also, before he succeeded.

Mr. Evans only claims the right to apply his own steam engine, and other improvements which he invented for the purpose of being applied to his boats and carriages, and which he



## ANECDOTE XIII.

Mr. Evans wrote letters in 1802 to gentlemen in Kentucky, informing them he had got his engine in motion, which he had long before invented for propelling boats and carriages. These letters were shown to Captain James M'Keaver, who associated with Mr. Louis Valcourt, to build a steam boat to ply between Orleans and Natchez. Valcourt came to Philadelphia to get Mr. Evans to make a steam engine, while the captain should build a boat eighty feet keel, and eighteen feet beam. Two of Mr. Evans's company of workmen went with the engine to meet the boat at New Orleans, to set it up, which they completed, and the boat was ready for experiment; but by this time the water had subsided, and left the boat half a mile from the water. Their money being expended, their credit exhausted, and the river not expected to rise in less than six months! In this predicament, Mr. William Donaldson offered them

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endeavoured to induce Fitch to adopt, as early as in 1784, 5 or 6, but could not prevail with him.

It is not easy to discover on what grounds Mr. Fulton can claim any exclusive right to use steam boats in the United States.

When the original invention has devolved to the public, inventors, by our patent laws, are entitled only each one to exclusive right, to his own improvements, on the original. That the right of using steam boats had long since devolved to the public, there can be no doubt, until the original inventor or his heirs, appear, if living, to claim his right.



money to take the engine out of the boat, and set it to drive a saw mill, that could go only by the waters of the river overflowing its banks, and was then standing. Their necessities compelled them to accept the offer. When they got the saw mill going, they wrote that to their astonishment the engine was sawing three thousand feet of boards per day of twelve hours, which had been selling at the enormous price of fifty to sixty dollars per one thousand feet; that they were now convinced there could be no doubt that the steam boat would have succeeded beyond their expectations. That they would soon retrieve their losses, and would order another engine for the boat. But alas, their fair prospects were soon blasted; for there too, were some of the wise opposers of improvements. This mill was likely to deprive some who sawed lumber by hand of profitable jobs, and it was set on fire; the two first attempts the fire was discovered in time to be extinguished; but in the third, those infernal incendiaries had like to have succeeded not only in destroying the mill, but with it those who had slept in it, to guard it.

Thus were two of the most noble and enterprising men ruined, in the most laudable attempts to establish steam boats on the Mississippi, which they began in 1802 or 1803; they had expended fifteen thousand dollars, and would have succeeded three or four years before Fulton and Livingston, but for the reasons above stated. They were not discouraged, but both of them wrote to Mr. Evans, that they hoped soon to engage again in the enterprise, as they were sure of its success. All this



was well known at Orleans, yet the legislature have passed an act, granting to Fulton and Livingston the exclusive right to use steam boats, to the exclusion of those meritorious sufferers. Their authority to grant such right, is, however, questioned, on good grounds. This act certainly cannot divest any man of a right which he possessed, more especially if secured to him by the United States, or by treaty.

#### ANECDOTE XIV.

Mr. Evans had removed to Virginia, and lived there part of the time he was bound to keep secret his machines for making cards. A preacher came into the place and held religious meetings on evenings, for about ten days, during which time a blacksmith, against whom he had been cautioned, as it had been supposed locks could not turn him, came in, and took the key of the room in which the machines were kept, in his hand, and pressed it hard in the palm of the other, as if to look carelessly at it. This excited no suspicions in Mr. Evans at the time, because he had heard him pray and exhort publicly, and tell his hearers that he could live without sinning, and advise them to aspire to the same state of perfection.

Two or three days after this, Mr. Evans having left the shop for a few minutes, on his return sooner than was expected, he detected a man with a false key, striving to open his room door; he fled, leaving the key, but was pursued and brought back. The key was tried, and



would shoot the bolt as well as the real one, having all the wards perfect. The fellow begged for mercy, as he had a family, and would be sent to the army if prosecuted. Yet he would not divulge who made the key; but Mr. Evans recollected the smith's having pressed the wards in his hands, supposed this was done to make their impression in wax; and questioning him if the praying blacksmith had not made it, he made dumb signs, which removed all doubt, and confessed that his object was to get to see the machines. This accident, and the threatening above stated, caused Mr. Evans to move away; and in 1783, meeting a young man whom he had left apprentice to his uncle, a silversmith, whom he had heard pray and exhort time about with the blacksmith, and declare that he had arrived to such state of perfection that he could live without sinning; the young man informed, that he had left his uncle, for he was so great a scoundrel that he could not live with him; and to confirm his assertions, related the whole story of the preacher, his uncle, and the blacksmith holding conferences, making the key, and employing people to climb up by ladders to look at Mr. Evans through a window, working his machines, on dark nights, and that they finally accomplished their purpose, and the preacher, who was a card maker, did get the machine in use.

In the year 1789, Mr. Evans, having quite forgot the name of this preacher, was travelling in search of a suitable person who would be willing to join him to make steam waggons, enquired of Mr. Jesse Hollingsworth of Baltimore, who said there was a Mr. F——,



card maker, who had acquired fame for ingenuity, having invented extraordinary machines for making cards. Mr. Evans, having found him in a shop well stored with cards, knew him to be his old preacher, and after some conversation, addressed him thus: "Sir, I think I have seen you before." "Very like," replied Mr. F——n, "what may your name be, Sir?" Mr. E. looking him fully in the eyes, "My name is Oliver Evans;" his countenance fell like Lucifer; he started a little backward, turned his back, and did not turn to take another look; and Mr. Evans, heartily laughing, went his way, leaving a guilty conscience punishing sin.

#### ANECDOTE XV.

A patentee was travelling in the year 1789, collecting his dues of those who had his improvement in use, called and lodged with a gentleman of great estate, who had built a very fine house on a hill, where he had failed in finding water, although he had sunk a well of great depth. There was at the foot of the hill a spring of the best water, about half a mile distant. The gentleman desired him to try if he could discover any means of bringing the water of the spring to the house, for which he would be willing to pay any reasonable price. During the night, he discovered that principles did exist on which it might be done; but in the morning the settlement respecting his dues took place, when the gentleman was unwilling to pay the common price, but insisted on a deduction of sixteen dollars. Irritated at such



parsimony, he forgot to reveal his plan for bringing the water, and the gentleman has suffered the inconvenience for twenty-five years. The plan is now communicated to the editor for publication, that the gentleman, if living, may yet get the water of the spring to run into his well, and that it may be applied in other similar situations.

Lay a pipe from the spring to the well, in the face of the hill, so that no part of it shall be more than thirty-two feet above the level of the spring, and the end in the well three or more feet below that level; fill the pipe with water, and it will continue to run from the spring into the well as long as the pipe will remain tight. The well being in lime stone land, will probably loose the water; set a strong tub to hold it, from which it may be pumped up. To save the expense of digging the well, attach the pump to the end of the pipe, minding, however, that the working bucket be not more than thirty feet above the water in the spring. There are cities that might be supplied with water on these principles, even where the source of springs or rivers lay below the site of the city, if a descent can be obtained for the pipe below the city, the water of the spring or river may be drawn by turning a cock in the cellars.



## ANECDOTE XVI.

*The origin of the Young Millwright and Miller's Guide.*

This work was commenced by its author, with the intent of describing his own improvements in the art of manufacturing flour only; but, conceiving that if something could be extracted from other works, to instruct young millwrights and millers in their respective arts, it would make the book not only more useful, but also command a readier sale, and thus enable him to disseminate his own improvements more extensively.

But he soon discovered almost insurmountable difficulties in the undertaking, for what had been published on these subjects, in the books to which he had recourse, consisted, as he believed, of false theories, leading to the most expensive and ruinous errors.

Hence, there appeared a greater necessity for the discovery and publication of an entire new system of true theories; and, having obtained a glimpse of the truth, nothing could divert his mind from the arduous pursuit, until he believed that he had discovered a correct system, and one that would agree with practical experiment, the test by which he had found the old ones false.

To accomplish this, cost him nearly three years of the most intense study and application, which had very seriously impaired his constitution, and reduced him to a state of real indigence.

When the system was completed, and ready for the press, the printer informed him, that an edition of two thousand copies must be published and well sold, before



any profits would be left over discharging the expenses of engraving and publishing, requiring a sum far exceeding the means of one circumstanced as the author then was. Thus it appeared that his work must at least lay dormant, if not be entirely lost.

In this dilemma, he petitioned the legislature of Pennsylvania for the loan, on interest, of the sum that would enable him to publish his work. A committee was appointed to investigate the affair, who reported it to be a meritorious and useful production, but that it was inexpedient to grant the loan; whence hope failed from that quarter. His last resource now appeared to be the famed public spirit and generosity of an individual gentleman, viz. John Nicholson, Esq. to whom he was a stranger: nevertheless, to him he made his case and the circumstances known, who, after he had perused a part of the manuscript, subscribed for five hundred copies, amounting, at the subscription price, to the sum he had petitioned the legislature for, observing, "draw on me for the amount, as you may want the money, and I'll pay your bills at sight. I want only one copy, the rest you may, perhaps, sell at a higher price, and when convenient to you, repay the money you draw, I'll ask no interest."\* Thus was he

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\* A circumstance relating to the publication of the Millwright's Guide, deserving particularly to be noticed, we give with great pleasure. The author, perceiving that fortune had abandoned his benefactor, who, by a combination of fortuitous



enabled to publish his work, and perhaps it may live, with Euclid's Elements, the constitution of which contain none of the seeds of dissolution.

Some years after he commenced another study, equally abstruse; and rendered the more difficult by the torrent of opposition, founded on the erroneous theories which have been almost universally received, by those who studied the subject, viz. the application of elastic steam, as a powerful agent. The principles of this he undertook to investigate, explain and publish, with his own improvements on the steam engine, the powerful operation of which, and their simple and durable structure, is ample testimony of the truth of his theory, and of their very great utility.

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circumstances, would probably be reduced to the confines of a prison, purposely withheld the payment until capricious fortune, like flame when combustion is exhausted, should have spent her rage, and ceased to act; and when his patron was confined, he went and informed him, that the debt contracted, as before stated, as well as his best services, were then at his command. Mr. Nicholson, in the perplexity of his affairs, had forgot the circumstance, but continued to draw from that source, until he had received a considerable sum over the debt, and, in fine, as long as he lived. The advance was made without any prospects of ever receiving payment; but a friend of the deceased, discovering that it was due, sometime after, honourably paid it. Ed.



## PROPHECY BY THE POET.

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THE time will come when people will travel in stages moved by steam engines, from one city to another, almost as fast as birds fly, fifteen or twenty miles in an hour.

Passing through the air with such velocity, changing the scene in such rapid succession, will be the most exhilarating, delightful exercise.

A carriage will set out from Washington in the morning, the passengers will breakfast at Baltimore, dine at Philadelphia, and sup at New York, the same day.

To accomplish this, two sets of rail ways will be laid, so nearly level as not in any place to deviate more than two degrees from a horizontal line, made of wood or iron, or smooth paths of broken stone or gravel, with a rail to guide the carriages, so that they may pass each other in different directions, and travel by night as well as by day; and the passengers will sleep in these stages as comfortably as they now do in steam stage boats.

Twenty miles per hour is about thirty-two feet per second; the resistance of the air will then be about one pound to a square foot; but the body of the carriages will be shaped like swift swimming fish, to pass easily through the air.



A steam engine that will consume from a quarter to a half a cord of wood, will drive a carriage one hundred and eighty miles in twelve hours, with twenty or thirty passengers, and will not consume six gallons of water. The carriages will not be overloaded with fuel or water.

These engines will drive boats ten or twelve miles per hour, and there will be many hundred steam boats running on the Mississippi, and other western waters, as prophecied thirty years ago, by one who could predict then better than the poet can now. But the velocity of boats through water, can never be made to equal the velocity of carriages through air, because the resistance of the water is eight hundred times the resistance of the air.

And it shall come to pass, that the memory of those sordid and wicked wretches who oppose such improvements, will be execrated, by every good man, as they ought to be now.

Posterity will not be able to discover why the legislatures, or congress, did not grant the inventor such protection as might have enabled him to put in operation these great improvements sooner, he having asked neither money nor a monopoly of any existing thing.

The clouds of darkness will be dissipated by time. It will be clearly discovered, that to protect inventors for sufficient terms, is the only way to get the use of their discoveries soon.

The United States will be the first nation to make this discovery, and to adopt the system, and her wealth and power will rise to an unparalleled height.



The inventors will then be revered when rich, by such base spirits as now insult and rob them, when poor, as well as by the generous and just, for having enriched their country. Sanctified hypocrites will not then dare to annex a cypher to the price of their licenses, to calumniate them before congress, as having extorted ten times the sums that they did really ask, and then pray to have the patent laws repealed: but keep silence and pay them their just dues, and they will discharge their barber, because their cloaks will have been rent from their backs; and Satan, losing his place, will leave this country, and enter into the service of the European powers, and the several religious societies will be freed from the burden of those impostors.

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## EXTRAORDINARY DREAMS.

*For the Benefit of those who study the Science of Supernatural Agencies.*

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THE plaintiff in a great cause which continued three days, relates, that on the night preceding the first day, he had the following remarkable dream, viz. That a very large and powerful brown bull, with horns such as bulls generally have, made several most furious pushes at him; but he, by jumping round a very strong post, eluded them all; he however perceived that the bull seemed to be in play, or that he was not vicious. He expounded his dream thus to his wife. The great bull represents the great lawyer, engaged against me; he is indeed most powerful: but the strong post represents the truth and justice of my cause, or power and justice of the court, behind which I can evade his pushes; he will not be able to injure me.

The cause went on the whole of that day; the pushes were indeed made, and the post guarded him against them all.

The next night he dreamed again. That one very large, and two not so large, old, lean and pale red bulls,



or stags, with very long, smooth, straight horns, representing bullock's horns, all rose and arrayed against him at once, shaking their horns and bellowing, threatening him most furiously. He stood and looked at them a while, then said to himself, "You appear, indeed very malignant; but you are three superannuated brutes, you have not agility to overtake me, nor strength to hurt me," and so he went on his way.

This dream he expounded thus to his wife. The largest bull, or stag, must represent Elisha, who certainly is extremely malignant; the smallest may represent Jonathan; but who the other can represent he could not surmise. His wife was much surprised that he should have dreamed of bulls two nights running, and related it to a lady, who said the other stag surely represents Isaac, the millstone maker, who she had discovered to be as malignant as any one, although not interested. In the course of the day this dream was fully verified, for Isaac appeared in court with Elisha and Jonathan, and was as active as either.

Since that time, to dream of a great, powerful brown bull, with proper bull's horns, denotes a great lawyer, and it will be well if he seems to act in play towards you.

To dream of old, emaciated, pale red bulls, or stags, with smooth, straight, long bullock's horns, bellowing, shaking their horns, and threatening you, denotes impotent enemies, clad in plain garbs, who have the wish, but not the power, to injure you.



FROM THE AURORA OF DEC. 10, 1813.

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*To the Editor of the Aurora.*

SIR,

IF my proposition, published in this city on the 8th of October last, has excited the attention of any to the great object of establishing a line between Philadelphia and New York for the transportation of heavy produce, merchandize and passengers, on carriages to be drawn by steam engines, on railways or smooth roads, it may be proper to submit for their consideration, different plans. Mr. John Ellicott, (of John) has suggested, that paths be made for the wheels of carriages to run on, of hard substances, such as turnpike roads are made of, with a rail between them, set on posts, to guide the tongue of the carriage, so that they might travel by night as well as day. Others have proposed lines of logs, flatted at the top, with a three inch plank pinned on them, to bear the carriage and guide the wheels; these strips of planks to be renewed as often as necessary, and while the logs would last, and be sufficient to hold the pins, the expense of repairs would be trifling.

Mr. Samuel Morey, of New Hampshire, proposes that the two railways be laid as near each other as they



will admit to let the carriages pass in opposite directions, and to cover the whole with a slight shed to protect the carriages, the ways, goods and passengers, from injury of the weather. He proposes also several other improvements worthy of notice.

It is well worthy of consideration, whether either of those plans will not be attended with much less expense than turnpike roads or canals, including the expense of making and keeping them in repair, and considering that the ways would not be so subject to be interrupted by frost.

But when we compare the great expense of repairing turnpike roads, which are travelled with narrow wheeled carriages, with heavy burdens, added to the expense of the great wear of the carriages, horses and harness, to that of wooden railways, and the carriages running on them, the result will be greatly in favour of the latter; and the difference will more than make and support a covered way, even should it require to be renewed every ten years.

But again, when we consider that on level railways, a carriage, with a steam engine of the power of five horses, with two men to attend it, will haul after it perhaps twelve others, loaded with two tons each, twenty-four tons, at the rate of eighty miles in twenty-four hours, as much as sixty horses and twelve drivers can take twenty-five miles on a turnpike, we are led to suppose, that no man would be heard opposing the introduction of so great an improvement, and that all would be willing to unite and contribute towards making the



experiments, on a scale sufficient to ascertain whether it be so or not, for should it amount to but a fourth part of what has been stated, the profits would be immense.

If the rail-ways cannot be brought to a level, yet they may be brought within two degrees, half the deviation allowed by law on turnpikes, and which would do very well, and in cases of great ascents, the steam carriage might be detached and ascend by itself and take a stand, and haul the others up by a rope, and a cylinder, or windlass. In other cases, the loaded carriages might be let fall astern, by veering ropes to them to slacken their motion, until the steam carriage had reached descending ground, and then the rope might be wound up again.

I renew my proposition, viz. as soon as either of these plans shall be adopted, after having made the necessary experiments to prove the principles, and having obtained the necessary legislative protection and patronage, I am willing to take of the stock, five hundred dollars per mile, to the distance of fifty or sixty miles, payable in steam carriages or steam engines, invented by me for the purpose forty years ago, and will warrant them to answer the purpose, to the satisfaction of the stockholders, and even to make steam stages to run twelve or fifteen miles per hour, or take back the engines at my own expense, if required.

OLIVER EVANS.



## CONCLUSION.

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THE author of the preceding pages, being impressed with an idea, that the prosperity of this country, and the progress of science and art towards perfection, was intimately connected with the proper encouragement of inventors and others, who laudably make that their particular study, having observed several publications in the newspapers, under the head of Law Cases, Memorials, Reports of Committees of Congress, Depositions, Notices, &c. together with current verbal reports, was led, from their peculiarity, to investigate the subject, and, more particularly, the points to which they related.

In this investigation, the characters against whom the satire is directed, wore a conspicuous aspect, and what he deemed their ungenerous attempt to defraud genius of its reward, and discourage improvements in the arts, under the hateful epithet of monopolies, though not hesitating to use and grow rich by such improvements, after they were produced, he had not many scruples about choosing that for his trait, and them for *personæ*, in connection with the individual on whom they showered their fury.

In this undertaking, those familiar with the parties facilitated his object, by obtaining for him the greater



part of the papers, anecdotes, &c. immediately connected with them, as also many illustrative of the origin of the inventions, and sundry other valuable fragments, which had resulted from the development of improvements, towards which, the writer is of opinion, the United States' laws are not sufficiently liberal in their protection of the discoverers in their rights, during a sufficient limited time.

The desire of the writer has been, to present those circumstances in a proper light to public view, and in a manner that would attract the attention of all; but, from his own aversion to pondering over an essay, when he can obtain the information desired from more lively strains, he consulted his own taste, and settled on rhyming poesy for the principal feature, as most congenial thereto. In congruous numbers, therefore, he has presented the characters, and a great portion of his sentiments. He is confident it will please some, and those that it does not, he feels insensible to the importance of their pardon, though he *firmly believes*, he is quite incapable of doing justice to what he has undertaken, and consoles himself with the hope, that it will one day be suitably accoutred.

The reader may observe, that the following is not the sudden blaze of an inflamed imagination, but the deliberate result of candid reflection; and in the determination he made to write on the subject, the love of justice was his only motive, as he believes will readily be perceived in the features, which he hopes the discerning will discover on the face of the work. As for pecuniary reward,



he wants none; if the publisher is satisfied, the author will be contented on that score.

But if,—mark! But if he can be the incentive to some more influential person, obtaining the protection and patronage from the general government of the United States, that would rouse the genius now lying dormant in the country, and which, he thinks, is fully competent to give it an elevation superior to all nations in the world, and bring it to the light it so richly merits, he will feel himself richly compensated.

PATRICK N. T. ELISHA.



## NOTICE.

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PATENTEES of new inventions in the arts and sciences, who may desire to give general publicity to their ingenious researches, are invited to forward to the publisher of this a description of them. They shall, if printed in a duodecimo, and the size of this, be bound with, and annexed to the present work, and thus be rendered more secure for preservation, by a written application to the publisher (post paid) No. 262, Arch Street, Philadelphia.







